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A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1870.

BENGAL SECRETARIAT LIBRARY.

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TITLES

OF

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1870.

I. An Act to provide Rules relating to Quarantine.

II. to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.

III. to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

IV. for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers.

V. to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain monies transferred to Government.

VI. to enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

VII. The Court Fees' Act, 1870.

VIII. An Act for the prevention of the murder of Female Infants.

IX. to enable the Elphinstone Land and Press Company, Limited, when in voluntary liquidation, to sell their property to the Secretary of State for India in Council.

X. for the acquisition of land for public purposes and for Companies.

XI. to regulate the Weights and Measures of British India.

XII. for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.

XIII. to apply the provisions of Act No. XVIII of 1854 to Railways belonging to, or worked by, Government.

XIV. for repealing certain enactments which have ceased to be in force, or have become unnecessary.

XV. An Act for the further amendment of Act No. XIX of 1861.

XVI. for imposing duties on Income and Profits.

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XXI. to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal, and in the towns of Madras and Bombay.

XXII. to confirm certain laws affecting European British subjects.

XXIII. to consolidate and amend the law relating to Coinage and the Mint.

XXIV. to relieve from incumbrances the estates of Taluqdárs in Oudh.

XXV. to legalize the levy of certain duties on timber imported into Maulmain.

XXVI. to amend the law relating to Prisons.

XXVII. to amend the Indian Penal Code.

XXVIII. to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

BENGAL SECRETARIAT LIBRARY

ACT No. I of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 14th January 1870*).

An Act to provide Rules relating to Quarantine.

Preamble.

WHEREAS it is expedient to empower expressly the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows:—

Power to make quarantine rules.

1. It shall be lawful for the Governor General of India in Council and (with the previous sanction of the said Governor General in Council) for the Local Governments respectively, from time to time, to make rules

for putting any vessel into a state of quarantine;

for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels; and

for regulating the intercourse between ports where an infectious disease prevails and other ports.

Quarantine rules to be deemed rules under section 271 of Penal Code.

2. All such rules shall be published in the *Gazette of India* and also in the local Gazette, and shall thereupon be deemed to be rules made and promulgated under section 271 of the Indian Penal Code.

[*Price one anna.*]

Government Central Press,—No. 1 L D.—2-4-78—100.

ACT No. II of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th January 1870).

An Act to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.

Preamble.

WHEREAS, by Act XVI of 1868 (*to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes*), the Local Government is empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurrence of a vacancy in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act; It is hereby enacted as follows:—

Power to appoint additional Subordinate Judges and Munsifs.

1. Whenever it appears expedient to the said Local Government to appoint a person to the office of Subordinate Judge or Munsif in addition to the Subordinate Judges and Munsifs appointed under the said Act,

in the case of a Subordinate Judge, the Local Government may appoint,

and, in the case of a Munsif, the High Court of Judicature shall nominate, and the Local Government shall appoint,

such person as the Local Government or the High Court (as the case may be) shall think fit:

Qualifications of persons appointed.

Provided that no person shall be so nominated to the office of Munsif unless he possesses the qualifications prescribed by the rules made under section five of the said Act.

[*Price one anna.*]

2. Every

Persons appointed to be deemed Subordinate Judges or Munsifs under Act XVI of 1868.

2. Every Subordinate Judge and Munsif so appointed, shall be deemed a Subordinate Judge, or Munsif, as the case may be, under the said Act.

Previous sanction of Governor General in Council.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships without the previous sanction of the Governor General of India in Council.

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ACT No. III of 1870.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 14th January 1870).

An Act to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

WHEREAS it is expedient to remove the territory known as the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Agror Valley Act, 1870." Short title.

2. The Ordinance of the fourth day of October, 1869, "to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes" is hereby repealed. Repeal of Ordinance.

3. The said territory shall be deemed to include such portions of the Districts of Hazára, Attok and Ráwalpindí, as the Lieutenant Governor of the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act. Extent of Act.

4. Save as hereinafter provided, the territory known as the Agror Valley is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Rules, Regulations and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law prescribed for the said Courts and offices by the Rules, Regulations and Acts aforesaid; Agror Valley removed from operation of general Regulations and Acts.

and

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and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations, shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

Administration of justice and settlement and collection of revenue.

5. The administration of civil and criminal justice within the said territory, and the superintendence of the settlement and realization of the public revenue and of all matters relating to the peace and good government of the same territory, and to rent payable therein, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor, and be guided by such instructions as he may from time to time issue.

Place of imprisonment or transportation.

6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea under any order or sentence passed by any officer or court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place which the said Lieutenant Governor may direct.

Power to extend laws.

7. The said Lieutenant Governor may from time to time, by notification in the official Gazette, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General for the purpose of making Laws and Regulations;

and may, on making such extension, direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

Questions of disputed boundary.

8. Whenever a question arises whether any place falls within the boundary of the said territory, such officer as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place lies, and the order made thereon by such officer shall be final.

Office Supdt. Govt. Printing.—No. 6703 L. C.—22-1-70.—2,500.

ACT No. IV of 1870.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 4th February 1870).

An Act for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers.

Preamble.

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

Assistant Commissioner of Kullu may hear appeals.

1. Notwithstanding anything contained in Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies)* the Assistant Commissioner or other officer for the time being in charge of the parganas of Kullu, Seoráj, Lahoul and Spití, commonly called the Kullu Sub-division of the Kángra District, may hear appeals in civil cases from the decisions and orders of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul and the Nono of Spití.

Appeal from Assistant Commissioner's orders.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII of 1868 *(to amend the law relating to Appeals and Reviews of Judgment in the Panjáb)* with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

Commencement and continuance of Act.

3. This Act shall come into operation on the first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsíldár of Sultánpúr,

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Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul, and the Nono of Spití on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

Office Supdt. Govt. Printing.—No. 7395 L. C—8-2-70.—2,500.

ACT No. V of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th February 1870).

An Act to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain monies transferred to Government.

Preamble.

WHEREAS the High Courts of Judicature at Fort William, Madras and Bombay have no power to deal with the costs of petitions under section four of Act No. XXV of 1866 *(to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras and Bombay and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal)*, or under section sixty of the Administrator General's Act, 1867, for payment of certain securities, monies or proceeds transferred to Government; And whereas it is expedient to confer such power upon the said High Courts; It is hereby enacted as follows :—

Power to direct by whom costs are to be paid.

1. Whenever any of the said Courts shall make an order on any such petition, the Court may direct by whom the whole or any part of the costs of each party are to be paid.

[*Price one anna.*]

Office Supdt. Govt. Printing.—No. 7394 L. C.—8-2-70.—2,600.

ACT No. VI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th February 1870).

An Act to enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

Preamble.

WHEREAS, under section nine of Act No. VI of 1869 *(to amend the law relating to the Emigration of Native Labourers)*, the Governor General of India in Council is empowered to increase any fee payable under sections nineteen, twenty-seven and thirty-four of Act No. XIII of 1864 *(to consolidate and amend the law relating to the Emigration of Native Labourers)*; and whereas it is expedient that he should also be empowered to increase the fee payable under section thirty-one of the same Act; It is hereby enacted as follows:—

Power to increase fees payable under Act XIII of 1864, section 31.

1. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, increase any fee payable under section thirty-one of the said Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

[*Price one anna.*]

Office Supdt. Govt. Printing.—No. 8017 E. C.—23-2-70.—3,000.

THE COURT FEES' ACT, 1870.

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ACT No. VII OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th March 1870).

THE COURT FEES' ACT, 1870.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Court Fees' Act, 1870:" Short title.

It extends to the whole of British India; Extent of Act.

And it shall come into force on the first day of April 1870. Commencement of Act.

2 On and after that day, the enactments mentioned in the first part of the third schedule hereto annexed shall be wholly repealed, and the enactments mentioned in the second part of the same schedule shall be repealed to the extent specified therein. Repeal of enactments.

CHAPTER II.

FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY TOWNS.

3. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Courts established by Letters Patent, by virtue of the power conferred by Statute twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, section fifteen, Levy of fees in High Courts on their original sides.

or chargeable in each of such Courts under No. eleven of the first, and Nos. seven, twelve, fourteen, ~~sixteen~~, twenty and twenty-one, of the second, schedule to this Act annexed;

and

Levy of fees in Presidency Small Cause Courts.

and the fees for the time being chargeable in the Courts of Small Causes at the Presidency Towns and their several offices;

shall be collected in manner hereinafter appearing.

Fees on documents filed, &c., in High Courts in their extraordinary jurisdiction.

4. No document of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction;

or in the exercise of its extraordinary original criminal jurisdiction;

In their appellate jurisdiction.

or in the exercise of its jurisdiction as regards appeals from the judgment of two or more Judges of the said Court, or of a Division Court;

or in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence;

As Courts of reference and revision.

or in the exercise of its jurisdiction as a Court of reference or revision;

unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Procedure in case of difference as to necessity or amount of fee.

5. When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in any of the said High Courts, be referred to the taxing-officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of such High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall

shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

The Chief Justice shall declare who shall be taxing-officer within the meaning of the first paragraph of this section.

CHAPTER III.

FEES IN OTHER COURTS AND IN PUBLIC OFFICES.

Fees on documents filed, &c., in Mofussil Courts or in public offices.

6. Except in the Courts hereinbefore mentioned, no document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Computation of fees payable in certain suits.

7. The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:—

for money:

i. In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed:

for maintenance and annuities:

ii. In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

for other moveable property having a market-value:

iii. In suits for moveable property other than money, where the subject-matter has a market-value ——according to such value at the date of presenting the plaint:

iv. In suits—

for moveable property of no market-value:

(a) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,

(b) to

to enforce a right to share in joint family property:

(b) to enforce the right to share in any property on the ground that it is joint family property,

for a declaratory decree and consequential relief

(c) to obtain a declaratory decree or order, where consequential relief is prayed,

for an injunction

(d) to obtain an injunction,

for easements

(*e*) for a right to some benefit (not herein otherwise provided for) to arise out of land, and

for accounts:

(f) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

In all such suits the plaintiff shall state the amount at which he values the relief sought, ~~and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if, for the word 'claim,' the words 'relief sought,' were substituted.~~

for possession of land, houses and gardens:

v. In suits for the possession of land, houses and gardens——according to the value of the subject-matter; and such value shall be deemed to be—

where the subject-matter is land, and—

(a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government,

or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue,

and such revenue is permanently settled—

ten times the revenue so payable:

(b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently—

five times the revenue so payable:

(c) where

(c) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue,

and nett profits have arisen from the land during the year next before the date of presenting the plaint—

fifteen times such nett profits :

but where no such nett profits have arisen therefrom—the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood :

(d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above-mentioned—the market-value of the land :

Provided that, in the territories subject to the Governor of Bombay in Council, the value of the land shall be deemed to be— Proviso as to Bombay Presidency

(1) where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government—a sum equal to five times the survey-assessment ;

(2) where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government—a sum equal to ten times the survey-assessment ; and

(3) where the whole or any part of the annual survey-assessment is remitted—a sum computed under paragraph (1) or paragraph (2) of this proviso, as the case may be, in addition to ten times the assessment, or the portion of assessment, so remitted :

Explanation.—The word 'estate,' as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or a farmer or ryot shall have executed a separate engagement to Government, or which, in the absence of such engagement,

ment, shall have been separately assessed with revenue.

for houses and gardens:

(e) Where the subject-matter is a house or garden—according to the market-value of the house or garden:

to enforce a right of pre-emption:

vi. In suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph v of this section) of the land, house or garden in respect of which the right is claimed:

for interest of assignee of land-revenue:

vii. In suits for the interest of an assignee of land-revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint:

to set aside an attachment:

viii. In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached:

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest:

to redeem:

ix. In suits against a mortgagee for the recovery of the property mortgaged,

to foreclose

and in suits by a mortgagee to foreclose the mortgage,

or, where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principal money expressed to be secured by the instrument of mortgage:

for specific performance

x. In suits for specific performance—

(a) of a contract of sale—according to the amount of the consideration:

(b) of a contract of mortgage—according to the amount agreed to be secured:

(c) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term:

(d) of

(d) of an award—according to the amount or value of the property in dispute :

xi. In the following suits between landlord and tenant :— between landlord and tenant.

(a) for the delivery by a tenant of the counterpart of a lease,

(b) to enhance the rent of a tenant having a right of occupancy,

(c) for the delivery by a landlord of a lease,

(d) to contest a notice of ejectment,

(e) to recover the occupancy of land from which a tenant has been illegally ejected by the landlord, and

(f) for abatement of rent—

according to the amount of the rent of the land to which the suit refers, payable for the year next before the date of presenting the plaint.

8. The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant. Fee on memorandum of appeal against order relating to compensation.

9. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in section seven, paragraphs five and six, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court. Power to ascertain nett profits or market-value.

10. i. If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but if the estimation has been insufficient, the Court shall require the plaintiff Procedure where nett profits or market-value wrongly estimated.

plaintiff to pay so much additional fee as would have been payable had the said market-value or nett profits been rightly estimated :

ii. In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed :

iii. Section one hundred and eighty of the Code of Civil Procedure shall be construed as if the words 'the market-value of any property or' were inserted after the word 'ascertaining,' and as if the words 'or annual nett profits' were inserted after the word 'damages.'

Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed

11. In suits for mesne profits or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Decision of questions as to valuation.

12. i. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit :

ii. But

ii. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section ten, paragraph ii, shall apply.

13. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section three hundred and fifty-one of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:

Refund of fee paid on memorandum of appeal.

Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

14. Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund of fee on application for review of judgment.

15. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the

Refund where Court reverses or modifies its former decision on ground of mistake.

the fee paid on the plaint or memorandum of appeal as exceeds the fee payable on any other application to such Court under the second schedule to this Act, No. one, clause *(b)* or clause *(d)*.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Additional fee where respondent takes objection to unappealed part of decree.

16. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal, the respondent takes, under section three hundred and forty-eight of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

Multifarious suits.

17. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, section nine.

Written examinations of complainants

18. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment.

19. Nothing

19. Nothing contained in this Act shall render the following documents chargeable with any fee :— Exemption of certain documents.

i. Power-of-attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of Her Majesty's army not in civil employment.

ii. Declarations mentioned in section one hundred and eighteen and section one hundred and sixty-four of the Code of Civil Procedure.

iii. Written statements called for by the Court after the first hearing of a suit.

iv. Plaint presented to a Military Court of Requests and petition for execution of a decree of such Court.

v. Plaints in suits tried by Village Munsifs in the Presidency of Fort St. George.

vi. Plaints and processes in suits before District Panchâyats in the same Presidency.

vii. Plaints in suits before Collectors under Madras Regulation XII of 1816.

viii. Probate of a will, letters of administration, and certificate mentioned in the first schedule to this Act annexed, No. twelve, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.

ix. Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

x. Application relating to a supply for irrigation of water belonging to Government.

xi. Application

xi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled but not permanently.

xii. Application for service of notice of relinquishment of land or of enhancement of rent.

xiii. Written authority to an agent to distrain.

xiv. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

xv. Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xvi. Petition, application, charge, or information respecting any offence, when presented, made or laid to or before a Police officer, or to or before the Heads of Villages or the Village Police in the territories respectively subject to the Governors in Council of Madras and Bombay.

xvii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

xviii. Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xix. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xx. Application

xx. Application for the payment of money due by Government to the applicant.

xxi. Petition of appeal against the chaukídárí assessment under Act No. XX of 1856, or against any municipal tax.

xxii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xxiii. Petitions presented to the Special Commissioner appointed under Bengal Act No. II of 1869 (*to ascertain, regulate and record certain tenures in Chota Nagpore*).

xxiv. Petitions under the fourteenth and fifteenth of Victoria, chapter forty (*An Act for Marriages in India*), section five, or under Act No. V of 1852, section nine.

CHAPTER IV.

PROCESS FEES.

20. The High Court shall, as soon as may be, make rules as to the following matters:— Rules as to costs of processes.

i. the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction:

ii. the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and

iii. the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

All

Confirmation and publication of rules.

All such rules, alterations and additions shall, after being confirmed by the Local Government, and sanctioned by the Governor General of India in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.

Tables of process-fees.

21. A Table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Number of peons in District and subordinate Courts.

22. Subject to rules to be made by the High Court and approved by the Local Government and the Governor General of India in Council,

every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto,

Number of peons in Mofussil Small Cause Courts.

and for the purposes of this section, every Court of Small Causes established under Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature)* shall be deemed to be subordinate to the Court of the District Judge.

Number of peons in Revenue Courts.

23. Subject to rules to be framed by the Chief Controlling Revenue Authority and approved by the Local Government and the Governor General of India in Council, every officer performing the functions of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

24. Every

BENGAL SECRETARIAT

24. Every process served or executed under this chapter shall be held to be a process within the meaning of section one hundred and eighty-eight of the Code of Civil Procedure, and of section two of Act No. XXIII of 1861 *(to amend Act VIII of* 1859*)*.

Process served under this chapter to be held process served under Civil Procedure Code.

CHAPTER V.

Of the Mode of levying Fees.

25. All fees referred to in section three or chargeable under this Act shall be collected by stamps.

Collection of fees by stamps.

26. The stamps used to denote any fee chargeable under this Act shall be impressed, or adhesive, or partly impressed and partly adhesive, as the Governor General of India in Council may, by notification in the *Gazette of India*, from time to time direct.

Stamps to be impressed or adhesive.

27. The Local Government may, from time to time, make rules for regulating—

Rules for supply, number, renewal and keeping accounts of stamps.

(a) the supply of stamps to be used under this Act,

(b) the number of stamps to be used for denoting any fee chargeable under this Act,

(c) the renewal of damaged or spoiled stamps, and

(d) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section three in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

28. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

Stamping documents inadvertently received.

But if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be,

or,

or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

29. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

30. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.

MISCELLANEOUS.

Repayment of fees paid on applications to Criminal Courts.

31. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which Police officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

ii. In the case mentioned in section eighteen, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first

first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

Amendments of Act VIII of 1859, sections 308, 309, 371, 373.

32. The Code of Civil Procedure, sections three hundred and eight and three hundred and nine, shall be read as if, for the words 'stamp-duty' and 'stamps,' the words and figures 'fees chargeable under the Court Fees' Act, 1870,' were substituted; section three hundred and seventy-one of the same Code shall be read as if, for the words 'a stamp of the value,' the words 'the payment of the fee,' were substituted; and section three hundred and seventy-three of the same Code shall be read as if, for the words 'on a stamp paper of the value,' the words 'and shall be chargeable with the fee,' were substituted; and as if, for the words 'for the stamps,' the words 'the fees,' were substituted.

And the Indian Income Tax Act, section twenty, shall be read as if, for the words 'the value of the said stamp,' the words 'the fee on the petition,' were substituted.

Admission in criminal cases of documents for which proper fee has not been paid.

33. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section four or section six shall be deemed to prohibit such filing or exhibition.

Rules for sale of stamps.

34. In the General Stamp Act, 1869, section forty-eight shall be read as if, for the words and figures 'Act No. XXVI of 1867 *(to amend the law relating to Stamp Duties)*,' the words and figures 'The Court Fees' Act, 1870,' were substituted.

Power to reduce or remit fees.

35. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, reduce or remit, in the whole or in any part of

of British India, all or any of the fees mentioned in the first and second schedules to this Act annexed,

and may in like manner cancel or vary such order.

Saving of fees to certain officers of High Courts.

36. Nothing in chapters II and V of this Act applies to the commission payable to the Accountant General of the High Court at Fort William, or to the fees which any officer of a High Court is allowed to receive in addition to a fixed salary.

SCHEDULE I.

SCHEDULE I.

Ad valorem fees.

NUMBER.		PROPER FEE.
1. Plaint or memorandum of appeal (not otherwise provided for in this Act), presented to any Civil or Revenue Court, except those mentioned in section three*	When the amount or value of the subject-matter in dispute does not exceed five rupees ...	Six annas.
	When such amount or value exceeds five rupees, For every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees	Six annas.
	When such amount or value exceeds one hundred rupees, For every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees ...	Twelve annas.
	When such amount or value exceeds one thousand rupees, For every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees	Five rupees.
	When such amount or value exceeds five thousand rupees, For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees ...	Ten rupees.
	When such amount or value exceeds ten thousand rupees, For every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees, For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees ...	Twenty rupees.

* To ascertain the proper fee leviable on the institution of a suit, see the Table annexed to this schedule.

SCHEDULE I—continued.

Ad valorem fees.

NUMBER.		PROPER FEE.
1. Plaint *&c.—(continued).*	When such amount or value exceeds thirty thousand rupees, For every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees	Twenty rupees.
	When such amount or value exceeds fifty thousand rupees, For every five thousand rupees, or part thereof, in excess of fifty thousand rupees	Twenty-five rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees.	
2. Plaint or memorandum of appeal in a suit for possession under ~~Act No. XIV of 1859 (to provide for the limitation of suits), section fifteen.~~	... ...	A fee of one-half the amount prescribed in the foregoing scale.
3. Petition under the Indian Registration Act, section fifty-three.		
4. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	... ...	The fee leviable on the plaint or memorandum of appeal.
5. Application for review of judgment if presented before the ninetieth day from the date of the decree.	... ...	One-half of the fee leviable on the plaint or memorandum of appeal.

SCHEDULE I—continued.

Ad valorem fees.

NUMBER.		PROPER FEE.
6 Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(a).—If the amount or value of the subject-matter is fifty or less than fifty rupees	Four annas.
	(b).—If such amount or value exceeds fifty rupees ...	Eight annas.
	When such judgment or order is passed by a High Court ...	One rupee.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court—	
	(a).—If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees ..	Eight annas.
	(b).—If such amount or value exceeds fifty rupees ..	One rupee.
	When such decree or order is made by a High Court	Four rupees.

SCHEDULE I—continued.

Ad valorem fees.

NUMBER.		PROPER FEE.
8. Copy of any document liable to stamp-duty under the General Stamp Act, 1869, when left by any party to a suit or proceeding in place of the original withdrawn.	*(a)*.—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(b).—In any other case ..	Eight annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or office, or from the office of any chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words ...	Eight annas.
10. Certificate of administration granted under Act No. XL of 1858 *(for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal)*, or under Act No. XX of 1864 *(for making better provision for the care of the persons and property of minors in the Presidency of Bombay)*.	If the amount or value of the property in respect to which such certificate is granted does not exceed five hundred rupees ...	Five rupees.
	If such amount or value exceeds five hundred rupees but not one thousand rupees	Ten rupees.
	And for every one thousand rupees, or part thereof, in excess of one thousand rupees	Five rupees.

SCHEDULE I—concluded.

Ad valorem fees.

NUMBER.		PROPER FEE.
11. Probate of a will or letters of administration with or without will annexed. 12. Certificate granted under Act No. XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*, or under Bombay Regulation VIII of 1827 *(to provide for the formal recognition of Heirs, Executors and Administrators, and for the appointment of Administrators and Managers of Property by the Courts)*.	If the amount or value of the property in respect of which the probate or letters or certificate shall be granted exceeds one thousand rupees ... ... NOTE.—The person to whom any such certificate is granted, or his representative, shall, after the expiration of twelve months from the date of such certificate and thereafter whenever the Court granting such certificate requires him so to do, file a statement on oath of all monies recovered or realised by him under such certificate. If the monies so recovered or realised exceed the amount of debts or other property as sworn to by the person to whom the certificate is granted, the Court may cancel the same and order such person to take out a fresh certificate and pay the fee prescribed by this schedule for such excess. In default of filing such statement within the time allowed, the Court may cancel the certificate.	Two per centum on such amount or value.

No 13 of
amended by
Act 18 of
1884

Court Fees.

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
.....	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs	Rs.	Rs.	A.	P.
100	110	8	4	0
110	120	9	0	0
120	130	9	12	0
130	140	10	8	0
140	150	11	4	0
150	160	12	0	0
160	170	12	12	0
170	180	13	8	0
180	190	14	4	0
190	200	15	0	0
200	210	15	12	0
210	220	16	8	0
220	230	17	4	0
230	240	18	0	0
240	250	18	12	0
250	260	19	8	0
260	270	20	4	0
270	280	21	0	0
280	290	21	12	0
290	300	22	8	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
330	340	25 8 0
340	350	26 4 0
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
500	510	38	4	0
510	520	39	0	0
520	530	39	12	0
530	540	40	8	0
540	550	41	4	0
550	560	42	0	0
560	570	42	12	0
570	580	43	8	0
580	590	44	4	0
590	600	45	0	0
600	610	45	12	0
610	620	46	8	0
620	630	47	4	0
630	640	48	0	0
640	650	48	12	0
650	660	49	8	0
660	670	50	4	0
670	680	51	0	0
680	690	51	12	0
690	700	52	8	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
700	710	53 4 0
710	720	54 0 0
720	730	54 12 0
730	740	55 8 0
740	750	56 4 0
750	760	57 0 0
760	770	57 12 0
770	780	58 8 0
780	790	59 4 0
790	800	60 0 0
800	810	60 12 0
810	820	61 8 0
820	830	62 4 0
830	840	63 0 0
840	850	63 12 0
850	860	64 8 0
860	870	65 4 0
870	880	66 0 0
880	890	66 12 0
890	900	67 8 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
900	910	68	4	0
910	920	69	0	0
920	930	69	12	0
930	940	70	8	0
940	950	71	4	0
950	960	72	0	0
960	970	72	12	0
970	980	73	8	0
980	990	74	4	0
990	1,000	75	0	0
1,000	1,100	80	0	0
1,100	1,200	85	0	0
1,200	1,300	90	0	0
1,300	1,400	95	0	0
1,400	1,500	100	0	0
1,500	1,600	105	0	0
1,600	1,700	110	0	0
1,700	1,800	115	0	0
1,800	1,900	120	0	0
1,900	2,000	125	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
2,000	2,100	130	0	0
2,100	2,200	135	0	0
2,200	2,300	140	0	0
2,300	2,400	145	0	0
2,400	2,500	150	0	0
2,500	2,600	155	0	0
2,600	2,700	160	0	0
2,700	2,800	165	0	0
2,800	2,900	170	0	0
2,900	3,000	175	0	0
3,000	3,100	180	0	0
3,100	3,200	185	0	0
3,200	3,300	190	0	0
3,300	3,400	195	0	0
3,400	3,500	200	0	0
3,500	3,600	205	0	0
3,600	3,700	210	0	0
3,700	3,800	215	0	0
3,800	3,900	220	0	0
3,900	4,000	225	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
4,000	4,100	230	0	0
4,100	4,200	235	0	0
4,200	4,300	240	0	0
4,300	4,400	245	0	0
4,400	4,500	250	0	0
4,500	4,600	255	0	0
4,600	4,700	260	0	0
4,700	4,800	265	0	0
4,800	4,900	270	0	0
4,900	5,000	275	0	0
5,000	5,250	285	0	0
5,250	5,500	295	0	0
5,500	5,750	305	0	0
5,750	6,000	315	0	0
6,000	6,250	325	0	0
6,250	6,500	335	0	0
6,500	6,750	345	0	0
6,750	7,000	355	0	0
7,000	7,250	365	0	0
7,250	7,500	375	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs	A.	P.
7,500	7,750	385	0	0
7,750	8,000	395	0	0
8,000	8,250	405	0	0
8,250	8,500	415	0	0
8,500	8,750	425	0	0
8,750	9,000	435	0	0
9,000	9,250	445	0	0
9,250	9,500	455	0	0
9,500	9,750	465	0	0
9,750	10,000	475	0	0
10,000	10,500	490	0	0
10,500	11,000	505	0	0
11,000	11,500	520	0	0
11,500	12,000	535	0	0
12,000	12,500	550	0	0
12,500	13,000	565	0	0
13,000	13,500	580	0	0
13,500	14,000	595	0	0
14,000	14,500	610	0	0
14,500	15,000	625	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
15,000	15,500	640	0	0
15,500	16,000	655	0	0
16,000	16,500	670	0	0
16,500	17,000	685	0	0
17,000	17,500	700	0	0
17,500	18,000	715	0	0
18,000	18,500	730	0	0
18,500	19,000	745	0	0
19,000	19,500	760	0	0
19,500	20,000	775	0	0
20,000	21,000	795	0	0
21,000	22,000	815	0	0
22,000	23,000	835	0	0
23,000	24,000	855	0	0
24,000	25,000	875	0	0
25,000	26,000	895	0	0
26,000	27,000	915	0	0
27,000	28,000	935	0	0
28,000	29,000	955	0	0
29,000	30,000	975	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs	Rs.	A.	P.
30,000	32,000	995	0	0
32,000	34,000	1,015	0	0
34,000	36,000	1,035	0	0
36,000	38,000	1,055	0	0
38,000	40,000	1,075	0	0
40,000	42,000	1,095	0	0
42,000	44,000	1,115	0	0
44,000	46,000	1,135	0	0
46,000	48,000	1,155	0	0
48,000	50,000	1,175	0	0
50,000	55,000	1,200	0	0
55,000	60,000	1,225	0	0
60,000	65,000	1,250	0	0
65,000	70,000	1,275	0	0
70,000	75,000	1,300	0	0
75,000	80,000	1,325	0	0
80,000	85,000	1,350	0	0
85,000	90,000	1,375	0	0
90,000	95,000	1,400	0	0
95,000	1,00,000	1,425	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
1,00,000	1,05,000	1,450	0	0
1,05,000	1,10,000	1,475	0	0
1,10,000	1,15,000	1,500	0	0
1,15,000	1,20,000	1,525	0	0
1,20,000	1,25,000	1,550	0	0
1,25,000	1,30,000	1,575	0	0
1,30,000	1,35,000	1,600	0	0
1,35,000	1,40,000	1,625	0	0
1,40,000	1,45,000	1,650	0	0
1,45,000	1,50,000	1,675	0	0
1,50,000	1,55,000	1,700	0	0
1,55,000	1,60,000	1,725	0	0
1,60,000	1,65,000	1,750	0	0
1,65,000	1,70,000	1,775	0	0
1,70,000	1,75,000	1,800	0	0
1,75,000	1,80,000	1,825	0	0
1,80,000	1,85,000	1,850	0	0
1,85,000	1,90,000	1,875	0	0
1,90,000	1,95,000	1,900	0	0
1,95,000	2,00,000	1,925	0	0

Table of rates of ad valorem fees, &c.—continued

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
2,00,000	2,05,000	1,950	0	0
2,05,000	2,10,000	1,975	0	0
2,10,000	2,15,000	2,000	0	0
2,15,000	2,20,000	2,025	0	0
2,20,000	2,25,000	2,050	0	0
2,25,000	2,30,000	2,075	0	0
2,30,000	2,35,000	2,100	0	0
2,35,000	2,40,000	2,125	0	0
2,40,000	2,45,000	2,150	0	0
2,45,000	2,50,000	2,175	0	0
2,50,000	2,55,000	2,200	0	0
2,55,000	2,60,000	2,225	0	0
2,60,000	2,65,000	2,250	0	0
2,65,000	2,70,000	2,275	0	0
2,70,000	2,75,000	2,300	0	0
2,75,000	2,80,000	2,325	0	0
2,80,000	2,85,000	2,350	0	0
2,85,000	2,90,000	2,375	0	0
2,90,000	2,95,000	2,400	0	0
2,95,000	3,00,000	2,425	0	0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
3,00,000	3,05,000	2,450	0	0
3,05,000	3,10,000	2,475	0	0
3,10,000	3,15,000	2,500	0	0
3,15,000	3,20,000	2,525	0	0
3,20,000	3,25,000	2,550	0	0
3,25,000	3,30,000	2,575	0	0
3,30,000	3,35,000	2,600	0	0
3,35,000	3,40,000	2,625	0	0
3,40,000	3,45,000	2,650	0	0
3,45,000	3,50,000	2,675	0	0
3,50,000	3,55,000	2,700	0	0
3,55,000	3,60,000	2,725	0	0
3,60,000	3,65,000	2,750	0	0
3,65,000	3,70,000	2,775	0	0
3,70,000	3,75,000	2,800	0	0
3,75,000	3,80,000	2,825	0	0
3,80,000	3,85,000	2,850	0	0
3,85,000	3,90,090	2,875	0	0
3,90,000	3,95,000	2,900	0	0
3,95,000	4,00,000	2,925	0	0

Table of rates of ad valorem fees, &c.—concluded.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs	Rs	A	P.
4,00,000	4,05,000	2,950	0	0
4,05,000	4,10,000	2,975	0	0
4,10,000	. .....	3,000	0	0

SCHEDULE II.

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition..	*(a)*.—When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings; or when presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement; or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, ~~or to any Cantonment Magistrate sitting as a~~	One anna.

SCHEDULE II.—continued.

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition —*(continued)* ...	~~Court of Civil Judicature under Act No. III of 1859,~~ or to any Court of Small Causes constituted under Act No. XI of 1865, or under Act No. XVI of 1868, section twenty, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees; or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	One anna.
	(b).—When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;	Eight annas.

SCHEDULE II.—continued.

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition —*(continued)* ...	or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;	Eight annas.
	or to deposit in Court revenue or rent;	
	or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	
	(c).—When presented to a Chief Commissioner or other chief controlling revenue or executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided for by this Act ...	One rupee.
	(d).—When presented to a High Court .	Two rupees.

SCHEDULE II.—continued.

Fixed Fees.

NUMBER.		PROPER FEE.
2. Application for leave to sue as a pauper ...	... ...	Eight annas.
3. Application for leave to appeal as a pauper ...	*(a)*.—When presented to a District Court ...	One rupee.
	(b).—When presented to a Commissioner or a High Court ..	Two rupees.
4. Plaint or memorandum of appeal in a suit to obtain possession under Act No. XVI of 1838, or Bombay Act No. V of 1864 *(to give Mamlutdars' Courts jurisdiction in certain cases to maintain existing possession, or to restore possession to any party dispossessed otherwise than by course of law)*...		
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy	... ...	Eight annas.
6. Bail-bond or other instrument of obligation not otherwise provided for by this Act, when given by the direction of any court or executive authority ..		
7. Undertaking under section forty-nine of the Indian Divorce Act ...		
8. Petition of objection to assessment under the Indian Income Tax Act ...		

SCHEDULE II.—continued.

Fixed Fees.

NUMBER.		PROPER FEE.
9. Petition of appeal under the Indian Income Tax Act, section twenty-one	... ...	One rupee.
10. Mukhtárnáma or Wakálatnáma.	When presented for the conduct of any one case—	
	(a).—to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses *(b)* and *(c)* of this Number ...	Eight annas.
	(b).—to a Commissioner of Revenue, Circuit or Customs, or to any officer charged with the executive administration of a Division, not being the chief revenue or executive authority ...	One rupee.
	(c).—to a High Court, Chief Commissioner, Board of Revenue, or other chief controlling revenue or executive authority ...	Two rupees.

SCHEDULE II.—continued.

Fixed Fees.

NUMBER.		PROPER FEE.
11. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—		
	(a).—to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or chief controlling revenue or executive authority ...	Eight annas.
	(b).—to a High Court or Chief Commissioner, or other chief controlling executive or revenue authority	Two rupees.
12. Caveat ...		
13. Application under Act No. X of 1859, section twenty-six, or Bengal Act No. VI of 1862, section nine, or Bengal Act No. VIII of 1869, section thirty-seven	... ...	Five rupees.
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866		
15. Plaint or memorandum of appeal in a suit to obtain possession of a wife.		I of 1889.
16. ~~Administration-bond~~	... ...	~~Eight rupees.~~

SCHEDULE II.—continued.

Fixed Fees.

NUMBER.		PROPER FEE.
17. Plaint or memorandum of appeal in each of the following suits:—		
i. to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court:		
ii. to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates:		
iii. to obtain a declaratory decree where no consequential relief is prayed:		
iv. to set aside an award:	... ...	Ten rupees.
v. to set aside an adoption:		
vi. every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act ...		
18. Application under section three hundred and twenty-six of the Code of Civil Procedure ...		
19. Agreement under section three hundred and twenty-eight of the same Code		

SCHEDULE II.—concluded.

Fixed Fees.

NUMBER.		PROPER FEE.
20. Every petition under the Indian Divorce Act except petitions under section forty-four of the same Act, and every memorandum of appeal under section fifty-five of the same Act ... 21. Plaint or memorandum of appeal under the Pársí Marriage and Divorce Act, 1865	...	Twenty rupees.

SCHEDULE III.

ENACTMENTS REPEALED.

PART I.

Acts wholly repealed.

Number and year.	Title.
Act No. XVII of 1848 ...	An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.
Act No. X of 1862 ...	An Act to consolidate and amend the law relating to Stamp Duties.
Act No. XI of 1863 ...	An Act to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil Process.
Act No. XVIII of 1865 ...	An Act to amend Act No. X of 1862 (to consolidate and amend the law relating to Stamp Duties).
Act No. XV of 1868 ...	The High Court Fees' Act, 1868.
Bengal Act No. V of 1863	An Act to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts.

PART II.

Acts and Regulations partly repealed.

Number and year.	Title.	Extent of repeal.
Act No. V of 1852 ...	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	In section nine, the words 'which may in all cases be on unstamped paper' Section twenty-five.

SCHEDULE III.—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. XXXIII of 1852.	An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	Section nine.
Act No VIII of 1859	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	Section ninety-eight, from and including the words 'On the application,' to the end of the section. In section one hundred and eighteen, the words 'on unstamped paper' In section one hundred and nineteen, the words 'and be written upon stamp paper of the value prescribed for petitions to the Court where a stamp is required for petitions' Section one hundred and twenty-two, from and including the words 'When such statements,' to the end of the section. In section one hundred and sixty-four, the words 'on unstamped paper' In section two hundred and ninety-nine, the words 'on a stamp paper of the value of eight annas.'

SCHEDULE III.—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. VIII of 1859 —*(continued)*		In section three hundred and twenty-six, the words 'on a stamp paper of one-fourth of the value prescribed for plaints in suits'
		In section three hundred and twenty-seven, the words 'shall be written on the stamp paper required for petitions to the Court where a stamp is required for petitions by any law for the time being in force, and'
		In section three hundred and twenty-eight, the words 'which shall be subject to the same Stamp Duty as prescribed for plaints in suits,'
		In section three hundred and sixty-eight, the words 'on a stamp paper of the value of one rupee if the appeal lie to the District Court, and on a stamp paper of the value of two rupees if the appeal lie to the Sudder Court,'
		Section three hundred and seventy-seven, from and including the words 'If the application,' to the end of the section.

SCHEDULE III.—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. X of 1859 ...	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William.	In sections thirteen and one hundred and twenty, the words '(which may be on plain paper)' In section nineteen, the words 'on plain paper' So much of sections one hundred and fifty-six and one hundred and sixty-one as relates to the stamp to be borne by a petition of appeal.
Act No. XXIII of 1861	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	The last clause of section twelve.
Act No. XX of 1862	An Act to provide for the levy of fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	The preamble down to and including the words 'appointed to the said High Court; and' Section two.
Act No. I of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said Territory.	In section seventeen, the last sentence.

SCHEDULE III.—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. I of 1863—(*continued*).		In section twenty, the words 'shall be written on stamp paper of the value of one rupee if the appeal lie to the Court of the Deputy Commissioner, and on stamp paper of the value of two rupees if the appeal lie to the Court of the Commissioner or to the Court of the Chief Commissioner, and' Section twenty-six.
Act No. XX of 1863 ...	An Act to enable the Government to divest itself of the management of Religious Endowments.	In section eighteen, the words 'The application may be made upon unstamped paper' and 'In calculating the costs at the termination of the suit, the Stamp Duty on the preliminary application shall be estimated, and shall be added to the costs of the suit.'
Act No. XXI of 1863..	An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein, in British Burmah; and to establish Courts of Small Causes in the said Towns.	Section forty-six.

SCHEDULE III.—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. XXXII of 1863.	An Act to continue in force Act XX of 1862 (to provide for the levy of fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court).	So far as it relates to fees and Stamp Duties.
Act No. X of 1865 ...	The Indian Succession Act, 1865.	Section three hundred and twenty-nine and the schedule.
Act No. XI of 1865 ...	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature.	In section forty-seven, the words 'The twenty-sixth section of Act X of 1862 *(to consolidate and amend the law relating to Stamp Duties)*, and,'
Act No. XV of 1865..	The Pársí Marriage and Divorce Act, 1865.	Section thirty-nine.
Act No. XX of 1866 ..	The Indian Registration Act, 1866.	In section fifty-three, the words 'shall, where a stamp is required by law, bear a stamp of one-fourth the value prescribed for a plaint in such a suit, and' In section eighty-four, the words 'shall, where a stamp is required by law, bear a stamp of eight annas, and'

SCHEDULE III—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. XXI of 1866...	The Native Converts' Marriage Dissolution Act, 1866.	In section seven, the words 'shall bear a stamp of two rupees, and'
Act No. XXVI of 1867	An Act to amend the law relating to stamp duties.	The whole Act, except the words 'No Advocate of any High Court shall be required to file or present a Mukhtárnáma or Wakálatnáma or any other document empowering him to act.'
Act No. XIX of 1868	The Oudh Rent Act, 1868.	In section fifteen, the words 'the application shall bear a stamp of eight annas' In section twenty-five, the words 'on a paper bearing a stamp of eight annas' In section thirty, the words 'on a paper bearing a stamp of eight annas'
Act No. XXVIII of 1868.	The Panjáb Tenancy Act, 1868.	In sections seventeen and forty, the words 'on a paper bearing a stamp of eight annas' Section forty-three.
Act No. IV of 1869...	The Indian Divorce Act	In section forty-seven, the words 'or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and'

SCHEDULE III—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. IV of 1869—*(continued).*		and the words 'in the first, second and third cases mentioned in this section,'
		In section forty-nine, the words 'shall bear a stamp of eight annas, and'
Act No. IX of 1869 ...	The Indian Income Tax Act.	In section nineteen, the words 'it shall bear a stamp of eight annas,'
		In section twenty-one, the words 'shall bear a stamp of one rupee, and'
Bengal Regulation VI of 1823.	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the Indigo Plant, and for declaring certain principles in regard to the same.	Sections seven and eight.
Bengal Act No. VI of 1862.	An Act to amend Act X of 1859 (to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal).	In section five, the passage beginning with the words 'upon paper' and ending with 'deposit'

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SCHEDULE III—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Bengal Act No. VI of 1862—*(continued)*.		In section thirteen, the passage beginning with the words 'and be written'
Bengal Act No. II of 1869.	An Act to ascertain, regulate and record certain tenures in Chota-Nagpore.	Section twenty-two.
Bengal Act No. VIII of 1869.	An Act to amend the procedure in suits between landlords and tenants.	In sections fourteen and seventy-six, the words '(which may be on plain paper)' In section twenty, the words 'on plain paper'
Madras Regulation III of 1802.	A Regulation for receiving, trying and deciding suits on complaints declared cognizable in the Courts of Adawlut established in the several zillahs immediately subject to the Presidency of Fort St. George.	Section twenty-one, from 'When' down to 'writing' (both inclusive).
Madras Regulation IV of 1816.	A Regulation for declaring the head inhabitants of villages to be Moonsiffs in their respective villages, to hear and decide civil suits for sums of money, or other personal property, to a limited amount, and for defining their jurisdiction.	So much of section thirty-two as relates to fees on the institution of suits tried by Village Munsifs.

SCHEDULE III—continued.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Madras Regulation V of 1816.	A Regulation for authorizing Village Moonsiffs to assemble Village Punchayets for the adjudication of civil suits for sums of money, or other personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such Village Punchayets.	So much of sections ten and thirteen as relates to fees on the institution of suits tried by Village Pancháyats.
Madras Regulation VII of 1816.	A Regulation for authorizing District Moonsiffs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	So much of section ten as relates to fees on plaints and processes in suits before District Pancháyats.
Madras Regulation XII of 1816.	A Regulation for authorizing Collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary; as also certain disputes respecting	So much of section eleven as relates to fees on plaints before the Collector.

SCHEDULE III—concluded.

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Madras Regulation XII of 1816—*(continued)*.	the occupying, cultivating and irrigating of land, to be tried and determined by Village and District Punchayets; and for prescribing the Rules under which the trial of such disputes shall be conducted, and the decisions of the Punchayets carried into execution.	
Madras Regulation XIV of 1816.	A Regulation for amending and modifying the Rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature.	Section twenty-one, second clause.
Madras Regulation II of 1825.	A Regulation for modifying and amending certain provisions contained in Regulation XIII of 1816, Regulation II of 1817, and Section VI, Regulation XXXIV of 1802.	Section five.
Madras Act No. VIII of 1865.	An Act to consolidate and improve the Laws which define the process to be taken for the recovery of rent.	Section seventy-five.

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Nothing hereinafter contained shall be deemed to have the force of law.

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Accounts, computation of fee in suit for, sec. 7, para. iv, clause (*f*).
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" " " mesne profits decreed exceed profits claimed, sec. 11.
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ACT No. VIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 18*th March* 1870).

An Act for the prevention of the murder of Female Infants.

WHEREAS the murder of female infants is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows:— Preamble.

1. If it shall appear to the Local Government that the said offence is commonly committed in any district, or by any class, or family, or persons residing therein, the Local Government may, with the previous sanction of the Governor General of India in Council, declare, by notification published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such district, or in respect of such class, or family, or persons. Power to take measures under Act in particular districts.

The notification shall define the limits of such district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

2. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of section three, from time to time to make rules consistent with this Act, for all or any of the following purposes:— Power to make rules

(1.)—For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and for making,

[*Price one anna.*]

making, from time to time, a census of such persons, or of any other persons residing within such district :

(2.)—For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the murder of female infants in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act :

(3.)—For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring or about to occur in such district, or in or among such class, family, or persons :

(4.)—For the regulation and limitation of expenses incurred by any person to whom such notification applies on account of the celebration of marriage or of any ceremony or custom connected therewith :

(5.)—For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable :

(6.)—For defining the duties of any officer or servant appointed to carry out any rule made under this section.

Confirmation and publication of rules.

3. No rule or alteration made under section two shall take effect until it shall have been confirmed by the Governor General of India in Council and published in the *Gazette of India* and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner, as the Local Government may direct.

4. Whoever

4. Whoever disobeys any such rule shall, on conviction before any officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Punishment for breach of rules

5. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted and punished under any other law for any offence punishable under this Act : Provided that no person shall be punished twice for the same offence.

Saving of prosecutions under other laws

6. If it appears to the Magistrate of the District that any person to whom the notification mentioned in section one applies, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may, in his discretion, place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

Power to place neglected children under supervision

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such Magistrate shall seem reasonable, and if such person wilfully neglects to comply with such order, such Magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by section sixty-one of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under section three hundred and sixteen of the same Code.

7. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Panjáb, and to Oudh ; but the Governor General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India ; and the Governor of Madras in Council, the Governor of

Extent of Act

Bombay

Bombay in Council, and the Lieutenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the *Gazette of India.* Every other order made under this section shall be published in the local official Gazette.

Office Supdt Govt. Printing —No. 9089 L. C — 30-3-3000

ACT No. IX of 1870.

Passed by the Governor General of India in Council.

(*Received the assent of the Governor General on the 25th March* 1870).

An Act to enable the Elphinstone Land and Press Company, Limited, when in voluntary liquidation, to sell their property to the Secretary of State for India in Council.

Preamble.

WHEREAS it is desirable that the property of the Elphinstone Land and Press Company, Limited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negociations for the transfer of the property of the said Company are now pending between the said Secretary of State in Council and the said Company, and it has been agreed that, in the event of the said transfer being made, the purchase-money for the said property shall be paid in four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninety-three rupees of such purchase-money: And whereas the said Company is desirous of being wound up voluntarily under the Indian Companies' Act, 1866: And whereas doubts have arisen whether Voluntary Liquidators, when appointed by the said Company to transfer the said property, can make such transfer in consideration of the stock to be issued as aforesaid; It is hereby enacted as follows:—

Voluntary Liquidators empowered to sell for four per cent. stock.

1. The Voluntary Liquidators of the said Company when duly appointed shall have power and are hereby empowered to transfer the property of the said Company, or any part thereof, to the Secretary of State for India in Council, and to make such transfer in consideration of, and to receive the purchase-money either wholly or in part in, four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninety-three rupees of such purchase-money.

[*Price one anna.*]

2. A

Receipt of Liquidators to discharge Secretary of State from liability.

2. A receipt by the Voluntary Liquidators of the said Company for the amount of the stock issued and delivered to the said Liquidators shall be deemed a sufficient acknowledgment of the issue and delivery of so much of the said stock as in such receipt shall be expressed to be issued and delivered to the said Company, and the said Secretary of State in Council shall not be concerned to see to the distribution of the said stock amongst the shareholders of the said Company, or be responsible for any loss or misapplication or wrongful distribution thereof.

Upon execution of instruments of transfer property of Company to vest in Secretary of State.

3. Upon the execution by the said Voluntary Liquidators of any instrument or instruments purporting to transfer the property or any part thereof of the said Company to the said Secretary of State in Council, such property or part thereof (as the case may be) shall vest in the said Secretary of State in Council according to the tenor and effect of the said instrument or instruments, but discharged from all claims on the part of the said Company and shareholders thereof for the purchase-money of the said property and the stock to be issued in payment thereof.

Office Supdt. Govt. Printing—No. 9455 L. C.—30-3 70—2600.

THE LAND-ACQUISITION ACT, 1870.

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[*Price four annas.*]

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ACT No. X of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 1st April* 1870).

An Act for the acquisition of land for public purposes and for Companies.

WHEREAS it is expedient to consolidate and amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:— Preamble

PART I.

PRELIMINARY.

1. This Act may be called "The Land-Acquisition Act, 1870:" Short title

It extends to the whole of British India; Local extent

And it shall come into force on the first day of June 1870. Commencement

2. On and from such day Act No. VI of 1857 (*for the acquisition of land for public purposes*), Act No. II of 1861 (*to amend Act No. VI of* 1857), and Act No. XXII of 1863 (*to provide for taking land for works of public utility to be constructed by private persons or Companies and for regulating the construction and use of works on land so taken*) shall be repealed. Repeal of Acts.

All references made to any of the said Acts in subsequent Acts, orders or contracts shall be read as if made to this Act.

3. In

Interpretation-clause.

3. In this Act—

"Land."

The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

"Person interested."

The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act:

"Collector."

The expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:

"Court"

The expression "Court" means, in the Regulation Provinces, British Burma and Sindh, a principal Civil Court of original jurisdiction,

and in the Non-regulation Provinces other than British Burma and Sindh, the Court of a Commissioner of a Division,

unless when the Local Government has appointed (as it is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer:

"Company"

The expression "Company" means a Company registered under the Indian Companies' Act, 1866, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent;

"Entitled to act"

And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and the

the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

PART II.

ACQUISITION.

Preliminary Investigation.

Power to enter and survey.

4. Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the local Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

Thereupon it shall be lawful for any officer either generally or specially authorized by such Government in this behalf, and for his servants and workmen,

to enter upon and survey and take levels of any land in such locality:

to dig or bore into the sub-soil:

to do all other acts necessary to ascertain whether the land is adapted for such purpose:

Power to mark out line.

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon:

to mark such levels, boundaries and line by placing marks and cutting trenches;

Power to clear land.

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle.

Previous notice of entry

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. The

Payment for damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

Declaration of intended Acquisition.

Declaration that land is required for a public purpose.

6. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government, or of some officer duly authorized to certify its orders :

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid out of public revenues, or out of some Municipal Fund, or by a Company.

Contents of declaration.

The declaration shall be published in the local official Gazette, and shall state the District or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

Declaration to be evidence.

The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be ; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

After declaration, Collector to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

Land to be marked out and measured.

Plan.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section four) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

9. The

9. The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

Notice to persons interested

Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

Contents of notice

The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the Revenue District in which the land is situate.

Notice to occupiers.

In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post.

10. The Collector may also require any such person to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Power to require statements as to names and interests.

Every person required to make or deliver a statement under this section or section nine, shall be deemed to be legally bound to do so within the meaning of sections one hundred and seventy-five and one hundred and seventy-six of the Indian Penal Code.

Persons required to make statements to be deemed legally bound to do so.

Enquiry

Enquiry into Value and Claims.

Enquiry into value and amount of compensation.

Tender.

11. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the land and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice.

Power to summon witnesses.

For the purpose of such enquiry, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and (as far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Postponement of enquiry.

12. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time postpone the enquiry to a day to be fixed by him.

Matters to be considered and matters to be neglected.

13. In determining the amount of compensation, the Collector shall take into consideration the matters mentioned in section twenty-four, and shall not take into consideration any of the matters mentioned in section twenty-five.

Award by Collector.

Award in case of agreement as to compensation.

14. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same.

Award to be filed and to be evidence.

Such award shall be filed in the Collector's office and shall be conclusive evidence, as between the Collector and the persons interested, of the value of the land and the amount of compensation allowed for the same.

Reference where no claimant attends, or if Collector and persons interested cannot agree.

15. When the Collector proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed,

if no claimant attends,

or if the Collector considers that further enquiry as to the nature of the claim ought to be made by the Court,

or

or if any person whom the Collector has reason to think interested does not attend,

or if the Collector is unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed,

or if upon the said enquiry any question respecting the title to the land or any rights thereto or interests therein arise between or among two or more persons making conflicting claims in respect thereof,

the Collector shall refer the matter to the determination of the Court in manner hereinafter appearing.

Taking Possession.

Power to take possession.

16. When the Collector has made an award under section fourteen or a reference to the Court under section fifteen, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Power to take possession in cases of urgency.

17. In cases of urgency, whenever the Local Government so directs, the Collector (though no such reference has been directed or award made) may, on the expiration of fifteen days from the publication of the notice mentioned in the first paragraph of section nine, take possession of any waste or arable land needed for public purposes or for a Company.

Such land shall thereupon vest absolutely in the Government free from all encumbrances.

The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land; and in case such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

Reference to Court and Procedure thereon.

Collector's statement on reference to Court.

18. In making a reference under section fifteen, the Collector shall state for the information of the Court, in writing under his hand,

(a) the

(*a*) the situation and extent of the land needed,

(*b*) the names of the persons whom he has reason to think interested in such land,

(*c*) the amount awarded for damages and paid or tendered under sections five and seventeen, or either of them, the amount of compensation tendered for the land under section eleven, or, if no claimant has attended pursuant to the notice mentioned in section nine, the amount of compensation which the Collector is willing to give to the persons interested, and

(*d*) the grounds on which the amount of compensation was determined.

Service of notice.

19. The Court shall thereupon cause to be served on each of the persons so named a notice requiring him (if he has not made a claim under section nine) to state to the Court, on or before a day to be therein mentioned, the sum which he claims as compensation for his interest in the land so needed.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to appoint, on or before a day to be therein mentioned, two qualified assessors (one to be nominated by the Collector and the other by the persons interested) for the purpose of aiding the Judge in determining the amount of the compensation.

If no claimant has attended pursuant to the notice mentioned in section nine, the Court shall cause to be affixed on some conspicuous place on or near the land needed a notice to the effect that, if the persons interested in such land do not, on or before a day to be therein mentioned, appear in Court and state the nature of their respective interests in the land and the amount and particulars of their claims to compensation, and nominate a qualified assessor, the Court will proceed to determine such amount.

Power to appoint an assessor.

20. In case of failure to nominate either of such assessors within the time so specified, the Judge shall himself appoint an assessor in his stead.

Determination of amount.

21. As soon as the assessors have been appointed, the Judge and the assessors shall proceed to determine the amount of the compensation.

22. If

22. If before such amount is determined, any of the assessors dies or desires to be discharged, or refuses or neglects, or becomes incapable to act, the party by whom he was appointed may appoint some other qualified person to act in his place. Appointment of new assessor

If the assessor so dying, or desiring to be discharged, or refusing, or neglecting or becoming incapable were appointed by the Judge,

or, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court for that purpose the party who appointed such assessor fails to appoint another,

the Judge shall appoint some other qualified person in his stead.

Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged, or refusing, or neglecting or becoming incapable. Powers of new assessor

23. Every proceeding under section twenty-one shall take place in open Court, and all persons entitled to practise in any Civil Court shall be entitled to appear, plead and act, or to apppear and act (as the case may be), in such proceeding. Proceedings to be in open Court.

24. In determining the amount of compensation to be awarded for land acquired under this Act, the Judge and assessors shall take into consideration— Matters to be considered in determining compensation

First, the market-value, at the time of awarding compensation, of such land:

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such land from his other land:

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings; and

Fourthly, if, in consequence of the acquisition, he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

25. But

Matters to be neglected in determining compensation.

25. But the Judge or assessors shall not take into consideration—

First, the degree of urgency which has led to the acquisition:

Secondly, any disinclination of the person interested to part with the land acquired:

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit:

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put:

Fifthly, any increase to the value of the land acquired, likely to accrue from the use to which it will be put when acquired:

Sixthly, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put; or

Seventhly, any outlay or improvements on such land made, commenced, or effected with the intention of enhancing the compensation to be awarded therefor under this Act.

Rules as to amount of compensation.

26. Where the person interested has made a claim to compensation, pursuant to any notice mentioned in section nine or in section nineteen, the amount awarded to him shall not exceed the amount so claimed, or be less than the amount tendered by the Collector under section eleven.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered.

The provisions of this and the two preceding sections shall be read to every assessor, in a language which

which he understands, before he gives his opinion as to the amount of compensation to be awarded under this Act.

27. The opinion of each assessor shall be given orally and shall be recorded in writing by the Judge. Record of assessors' opinions.

28. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no appeal therefrom. Difference on questions of law.

29. In case the Judge and one or both of the assessors agree as to the amount of compensation, their decision thereon shall be final. Agreement as to amount of compensation.

30. In case of difference of opinion between the Judge and both of the assessors as to the amount of compensation, the decision of the Judge shall prevail, subject to the appeal allowed under section thirty-five. Difference as to the amount of compensation.

31. Every assessor appointed under this Act, not being an officer of Government, shall receive such fee for his services as the Judge shall direct, provided that such fee shall not exceed five hundred rupees. Assessors' fees.

Such fee shall be deemed to be costs in the proceeding.

32. The costs of all proceedings taken under this Part by order of the Court shall, in the first instance, be paid by the Collector. Costs of proceedings taken by order of Court.

33. Where the amount awarded does not exceed the sum tendered by the Collector, the costs of all proceedings under this Part shall be paid by the person interested. Party to pay costs.

Where the amount awarded exceeds the sum so tendered, such costs shall be paid by the Collector.

34. Every award made under this Part shall be in writing signed by the Judge and the assessors or assessor concurring therein, and shall specify the amount awarded under the first clause of section twenty-four, and also the amounts (if any) respectively awarded under the second, third and fourth clauses of the same section, together with the grounds of awarding each of the said amounts. Awards to be in writing.

It

Award to state amount of costs

It shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid.

Recovery of costs.

The costs (if any) payable by the person interested and not deducted under section forty-two may be recovered as if they were costs incurred in a suit, and as if the award were the decree therein.

Appeal from Judge's decision as to compensation.

35. If the Judge differs from both the assessors as to the amount of compensation, he shall pronounce his decision, and the Collector or the person interested (as the case may be) may appeal therefrom to the Court of the District Judge, unless the Judge whose decision is appealed from is the District Judge, or unless the amount which the Judge proposes to award exceeds five thousand rupees, in either of which cases the appeal shall lie to the High Court.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

Provisions of Code of Civil Procedure made applicable

36. The following provisions of the Code of Civil Procedure,

(*a*) as to adding parties,

(*b*) as to adjournment,

(*c*) as to death, marriage and bankruptcy or insolvency of parties,

(*d*) as to summoning witnesses and their attendance,

(*e*) as to examination of parties and witnesses,

(*f*) as to production of documents, and

(*g*) as to commissions to examine absent witnesses and to make local enquiries,

shall apply, so far as may be, to proceedings before the Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified

37. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons

persons the award shall be conclusive evidence of the correctness of the apportionment.

38. When the amount of compensation has been settled under section fourteen, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court. Dispute as to apportionment.

39. When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made under section thirty-eight, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount. Determination of proportions.

An appeal shall lie from such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall lie in the first instance to the District Judge.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

PART V.

PAYMENT.

40. Payment of the compensation shall be made by the Collector according to the award to the persons named therein, or, in the case of an appeal under section thirty-nine, according to the decision on such appeal: Payment of compensation to whom made.

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto. Proviso.

41. When the amount of the compensation has been settled under section fourteen, if the persons interested shall so desire, the Collector shall on the making of the said award pay the amount of such compensation and take possession of the land: Payment on making award by Collector.

Provided

Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation of the same, upon such terms as he and they may agree on, until possession of the land is required.

Percentage on market-value.

42. In addition to the amount of any compensation awarded under Part II or Part III of this Act, the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section twenty-four.

Payment with interest.

When the amount of such compensation is not paid on taking possession, the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of so taking possession:

Provided that the costs, if any, payable to the Collector by the person interested, shall be deducted from such amount and percentage.

Time of payment in appealable cases.

Provided that, in cases where the decision of the Court under Part III or Part IV of this Act is liable to appeal, the Collector shall not pay the amount of compensation or the percentage, or any part thereof, until the time for appealing against such decision has expired and no appeal shall have been presented against such decision, or until any such appeal shall have been disposed of.

PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary occupation of waste or arable land.

43. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

The

The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

Difference as to compensation.

In case the Collector and the persons interested differ as to the sufficiency of the compensation, the Collector shall refer such difference for the final order of the Court.

Power to enter and take possession.

44. On payment of such compensation,

or on executing such agreement,

or on making a reference under section forty-three,

the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

Restoration of land taken.

And on the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein :

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

Difference as to condition of land.

45. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference for the final order of the Court, and on such reference, or on a reference under section forty-three, the Judge sitting alone shall decide the difference referred.

PART VII.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

Company may be authorized to enter and survey.

46. Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section four.

Construction of sections four and five.

In every such case section four shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted, and section five shall be construed as if, after the words "the officer," the words "of the Company" were inserted.

Consent of Local Government to acquisition.

Execution of agreement.

47. The provisions of section six to section forty-five (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry.

48. Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided—

(1) that such acquisition is needed for the construction of some work, and

(2) that such work is likely to prove useful to the public.

Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

Such officer may summon and enforce the attendance of witnesses, and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Secretary of State in Council.

49. Such officer shall report to the Local Government the result of the enquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject

subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely:—

(1). The payment to Government of the cost of the acquisition:

(2). The transfer, on such payment, of the land to the Company:

(3). The terms on which the land shall be held by the Company:

(4). The time within which, and the conditions on which, the work shall be executed and maintained; and

(5). The terms on which the public shall be entitled to use the work.

Publication of agreement.

50. Every such agreement shall, as soon as may be after its execution, be published in the *Gazette of India* and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

PART VIII.

MISCELLANEOUS.

Service of notice.

51. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section four, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business.

52. Whoever

Obstruction to survey, &c. Filling trenches. Destroying land-marks.

52. Whoever wilfully obstructs any person in doing any of the acts authorized by section four or section eight, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section four shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Magistrate to enforce surrender.

53. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Government not bound to complete acquisition.

54. Except in the case provided for in section forty-four, nothing in this Act shall be taken to compel the Government to complete the acquisition of any land unless an award shall have been made or a reference directed under the provisions hereinbefore contained.

Compensation when acquisition is not completed.

But whenever the Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the damage (if any) done to such land under section four or section eight, and not already paid for under section five, and shall pay such amount to the person injured.

Part of house or building not to be taken.

55. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired.

Payment of Collector's charges by Municipal Body or Company.

56. Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any Municipal Fund, or of any Company, the charges incurred by the Collector in such acquisition shall be defrayed from or by such Fund or Company.

Exemption from stamp-duty and fees.

57. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

58. No

58. No suit shall be brought to set aside an award under this Act.

Bar of suits to set aside awards under Act

And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.*

Limitation of suits for anything done in pursuance of Act.

59. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

Power to make rules.

All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Publication of rules.

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* So much of section 58 as relates to the limitation of suits is repealed by Act IX of 1871 from the 1st April 1873

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THE INDIAN WEIGHTS AND MEASURES ACT, 1870.

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[*Price two annas.*]

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BENGAL SECRETARIAT LIBRARY

ACT No. XI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 1st April 1870)

An Act to regulate the Weights and Measures of British India.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures throughout British India; It is hereby enacted as follows:— Preamble

I.—*Preliminary.*

1. This Act may be called "The Indian Weights and Measures Act, 1870," and extends to the whole of British India. Short title. Local extent

II.—*Standards.*

2. The primary Standard of Weight shall be called a Ser, and shall be a Weight of metal in the possession of the Government of India, which weight, when weighed in a vacuum, is equal to the Weight known in France as the Kilogramme des Archives. Standard of Weight

3. The primary Standard of Length shall be called a Metre, and shall be the distance between the marks at the ends of a rod of metal in the possession of the Government of India, which distance, when measured at the temperature of melting ice, is equal to the Measure of Length known in France as the Mètre des Archives. Standard of Length

4. The Units of Weight and Measurement shall be— Units of Weight and Measurement

for Weights, the said Ser;

for Measures of Capacity, a measure containing one such Ser of water at its maximum density, weighed in a vacuum;

for Measures of Length, the said Metre;

for Measures of Area, the square Metre;

for

for Measures of Solidity, the cubic Metre.

Special Weights and Measures to be authorized.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act:

Provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor General in Council may, in like manner, revoke such notification.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

Districts how defined.

6. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of districts for the purposes of this Act.

Sub-districts how defined.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of sub-districts for the purposes of this Act.

Primary standards to be provided.

7. The Governor General in Council shall provide, in such manner and for such districts as the said Governor General in Council shall direct, proper primary standards and sets of the said authorized Weights and Measures.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

Local standards to be provided.

8. The Local Government shall provide, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct, until they are proved to be otherwise.

III.—*Use of new Weights and Measures.*

Use of new Weights and Measures in Government Offices, &c.

9. Whenever the Governor General in Council considers that proper standard Weights and Measures have been made available for the verification of the Weights and Measures to be used by any Government Office or Municipal Body or Railway Company, the

the Governor General in Council may, by notification in the *Gazette of India*, direct that, after a date to be fixed therein, all or any of the Weights and Measures authorized as aforesaid shall be used in the dealings and contracts by such Office, Body or Company.

General use of new Weights and Measures of Capacity.

10. The Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, direct that, after a date to be fixed therein, all or any of the Weights and Measures of Capacity authorized as aforesaid shall, in every district or sub-district therein mentioned, be used in the dealings and contracts of all persons engaged in business or trade, or of the persons engaged in any specified business or trade;

and may in like manner, from time to time, alter or revoke such direction:

Provided that no such notification shall issue, until proper standard Weights and Measures have been provided for such district or sub-district.

Contracts by Weight or Measure.

11. After the date fixed in any notification under section nine or section ten, all dealings and contracts had and made by the Officers, Bodies, Companies, or persons mentioned or referred to in such notification, for any work to be done or goods to be sold or delivered by Weight or Measure of capacity, length, area or solidity shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the Weights and the Measures of capacity, length, area or solidity, as the case may be, directed in such notification to be used by such Officers, Bodies, Companies or persons.

IV.—*Wardens.*

Appointment of Wardens.

12. The Governor General in Council (as regards the said primary standards and sets of authorized Weights and Measures) and the Local Government (as regards the said local standards) shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures.

The Governor General in Council, or the Local Government, as the case may be, may, at any time, suspend

pend or remove any such Warden, and appoint another person in his stead.

Periodical verification of Weights, Measures and Balances

13. All officers of Government, municipal officers, officers and servants of Railway Companies and persons engaged in businesses or trades, shall, so far as they are required by the rules made under section twenty-seven, submit to a Warden for verification the Weights, Weighing Machines and Measures used by them under the provisions of section nine or section ten, and the Balances used by them in their dealings, at such times not oftener than once in two years, and pay for such verification such fee, as the said rules shall prescribe.

Warden to verify and correct Weights, Measures and Balances.

14. Every such Warden (so far as he is required by the rules made under section twenty-seven) shall verify, and shall, if requested so to do, correct, all Weights, Weighing Machines and Measures purporting to indicate Weights or Measures authorized under this Act, and all Balances, which are brought to him to be verified or corrected, and which appear to him fit for verification or correction.

When such Weights, Machines, Measures or Balances are found or made correct and in conformity with the requirements of this Act, he shall certify such correctness and conformity by stamping, engraving or branding them with the proper mark.

May refuse to verify or correct things unfit.

15. The Warden may deface, or render incapable of use, or refuse to verify, correct, or mark, anything so brought, which appears to him unfit for verification or correction.

To institute and conduct prosecutions.

16. All prosecutions under this Act shall be instituted and conducted by a Warden, or by such person as in each case the Warden may appoint in this behalf.

Search for Weights, Measures and Balances not verified or not correct.

17. On the application of a Warden, any officer in charge of a police station and, in a Presidency town, any inspector or superior officer of Police, may enter any premises or shop within the limits of such station or town for the purpose of inspecting or searching for Weights, Weighing Machines, and Measures kept for use under the provisions of section nine or ten, and for the purpose of inspecting or searching for the Balances

Balances kept for use in the dealings of the person occupying such premises or shop.

If such officer find in such premises or shop any such Weight, Machine, Measure or Balance, which shall not be verified under the provisions herein contained, or in conformity with the requirements of this Act, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

Exercise of any of Warden's powers

18. Any of the powers and duties conferred and imposed by this Act on a Warden may be exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

V.—*Penalties.*

Commencement of penal sections.

19. The Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, fix the date from which all or any of the provisions of sections twenty, twenty-one, twenty-two and twenty-four shall come into force in respect to any district or sub-district; and the said sections shall be of no effect in such district or sub-district except in so far as they shall have so come into force.

Sale of Weights, Measures and Balances not verified.

20. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act and directed to be used under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance shall not have been verified under the provisions herein contained, shall, for every such sale, be liable to a fine not exceeding five rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding a week.

Use of Weights, Measures and Balances not verified but correct.

21. Whoever uses or has in his possession for purposes of business or trade any Weight, Weighing Machine or Measure purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance, being correct and in conformity with the requirements of this Act, shall not have been verified under the provisions

provisions herein contained, shall, for every such thing so used or had in possession, be liable to a fine not exceeding five rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding a week.

Use of Weights, Measures and Balances not verified and not correct.

22. Whoever uses or has in his possession, for purposes of business or trade,

any Weight or Measure other than a Weight or Measure directed to be used by him under section nine or ten, or any Machine for the purpose of indicating any Weight other than a Weight so directed to be used,

or any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Measure, Machine or Balance has not been verified under this Act and is not correct, or is not in conformity with the requirements of this Act,

shall, for every such offence, be liable to a fine not exceeding ten rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding a fortnight:

Proviso as to Weights and Measures of the United Kingdom.

Provided that nothing herein contained shall render it penal to use or to have in possession for purposes of business or trade any Weight or Measure in accordance with the standards of Weights and Measures established throughout the United Kingdom of Great Britain and Ireland.

Convictions under sections 21 and 22 how limited.

23. No person shall be convicted under section twenty-one or section twenty-two unless the Warden shall have proved that Weights or Measures verified under this Act, and suitable for the purposes of the business or trade of such person, were publicly offered for sale and procurable at a reasonable price in the district or sub-district in which the offence was committed, and at or immediately before the time when the offence was committed.

Failure to submit for verification.

24. Whoever fails to submit for verification under section thirteen any Weight, Weighing Machine or Measure used by him under the provisions of section nine

nine or section ten, or any Balance used by him in his dealings, shall be liable to a fine not exceeding fifty rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding one month.

25. A Magistrate convicting any person under section twenty, twenty-one, twenty-two or twenty-four of this Act, or under chapter XIII of the Indian Penal Code (*Of offences relating to weighing and measuring*), may order the thing in respect to which the conviction took place to be brought before a Warden, to be dealt with under the provisions of sections fourteen and fifteen :

Disposal of things in respect to which convictions take place.

Provided that, if the Magistrate consider such thing unfit for verification or correction, he may, instead of ordering it to be brought before a Warden, cause it to be defaced or rendered incapable of use.

26. Whoever knowingly counterfeits any mark used by a Warden under section fourteen, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Counterfeiting Wardens marks.

VI.—*Miscellaneous.*

27. The Governor General in Council may, from time to time, make rules consistent with this Act for regulating the following matters :—

Power to make rules.

(*a*).—The appointment of Wardens ;

(*b*).—The guidance of Wardens in all matters connected with the performance of their duties ;

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(*g*).—The

(*g*).—The marking on Weights and Measures authorized under this Act of their several denominations;

(*h*).—The conditions under which Government Offices, Municipal Bodies, Railway Companies, and persons engaged in businesses or trades, shall be subject to inspection and verification of the Weights, Weighing Machines and Measures authorized under this Act, and of the Balances used or sold by them;

(*i*).—The fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines and Measures authorized under this Act, and of Balances.

Publication of rules.

28. Such rules shall be published in the *Gazette of India.*

Commencement of rules.

And the Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government Office, Municipal Body, or Railway Company, or of the persons engaged in any specified business or trade in any district or sub-district, and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

Recovery of fines and fees.

29. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

All fees payable under this Act shall be recoverable as though they were fines.

Tables of equivalents.

30. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures, other than those authorized under this Act, in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the local official Gazette, shall be deemed the true equivalents.

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THE NATIVE PASSENGER SHIPS ACT, 1870.

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[*Price two annas.*]

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ACT No. XII OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st April 1870).

An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.

[*As amended by Acts No. XII of* 1872 *and No. XII of* 1873.]

Preamble.

WHEREAS abuses have occurred in the overcrowding of Ships conveying Native Passengers between Ports and places in India, and Ports and places in the Red Sea or Persian Gulf; and whereas similar abuses have also occurred in the case of Ships commanded or owned by subjects of Her Majesty and conveying Native Passengers between other Ports and places situate east of the Cape of Good Hope, and Ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in India, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Native Passenger Ships Act, 1870."

Extent of Act.

2. This Act extends to British India and applies also to all subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty, and to all Native Indian subjects of Her Majesty without and beyond British India.

Nothing

Act not to apply to Ships-of-War, &c.

Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any Foreign Prince or State, or to any Ship under contract with the Government of any European State.

Power to exempt steamers from operation of Act.

The Local Government may, if it thinks fit, exempt any steamer or class of steamers, carrying not more than sixty passengers, being Natives of Asia or Africa, from the operation of this Act, for any period not exceeding one year.

Such exemption may be from time to time renewed for any period not exceeding one year.

Amendment of Act No. II of 1860, section 1.

3. ..... [a] Section one of Act No. II of 1860 (*to amend the law relating to the carriage of Passengers by sea*) shall be read as if, for the words and figures "Act XXI of 1858," the words and figures "The Native Passenger Ships Act, 1870," were substituted.

Interpretation-clause.

4. In this Act—

"Magistrate."

The word "Magistrate" means a person exercising powers not inferior to those of a Subordinate Magistrate of the first class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants:

"Local Government."

The words "Local Government" mean the person or persons for the time being immediately administering the executive government of the territories where the Port or place in question is situate:

"Master."

The word "Master" includes every person having command or charge of a Vessel:

"Native Passenger Ship."

The words "Native Passenger Ship" mean a Vessel, whether sailing or steam, carrying more than thirty passengers, being Natives of Asia or Africa; provided that no person in attendance upon another person other than a Native of India, shall be deemed a passenger for the purposes of this section.

CHAPTER II.

[a] See Act No. XII of 1873, section 1 and schedule.

CHAPTER II.

RULES AS TO NATIVE PASSENGER SHIPS.

Native Passenger Ship to sail only from Ports appointed by Government.

5. No Native Passenger Ship shall depart or proceed upon any voyage to which this Act extends from any Port or place within British India or the said dominions other than such Ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a Port or place so to be appointed, no person shall be received on board as a passenger, except at some other duly appointed Port or place.

Not to sail without obtaining a certificate.

6. No Native Passenger Ship shall depart or proceed upon any such voyage from any Port or place appointed under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same.

Penalty.

7. If any Native Passenger Ship departs or proceeds upon a voyage from any Port or place within British India or the said dominions,

or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of section five or section six,

the Owner or Master shall, for every passenger conveyed on a Ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the Ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment of the fines imposed under this Act, with all costs, has been enforced under the provisions of section thirty-five.

Appointment of officers.

8. Within British India, the Local Government shall appoint such persons as it may deem proper to exercise or perform the powers and duties conferred and imposed by this Act.

9. The

Master to give notice of day of sailing, &c.

9. The Master of any Native Passenger Ship sailing from any Port or place appointed under this Act, shall give notice to the proper officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing;

such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect Ship.

10. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein;

and any person impeding or refusing to allow such inspection shall be liable, on conviction, to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship may be surveyed.

11. The officer aforesaid may, if he think fit, cause the Ship to be surveyed at the expense of the Master by a competent surveyor, who shall report whether the Ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied, before giving certificate—

That the Ship is sea-worthy:

12. The officer aforesaid shall not give his certificate, unless he shall be satisfied—

(1). That the Ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

That the space between-decks for passengers is sufficient:

(2). That the space appropriated to the passengers in the between-decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

That the space on the upper deck is sufficient:

(3). That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers:

(4). That

(4). That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained. That there is a due supply of provisions.

Provided that, in the case of steam-ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between-decks under the requirements of this section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board.

13. No such Ship shall carry any greater number of passengers than, together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship. Number of passengers.

14. The Master of any such Ship, before departing or proceeding on any such voyage from any Port or place in British India, shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists. List of passengers.

The Master shall note in writing on such last-mentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the Ship at her destination or at any Port at which it may be intended to land passengers and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the Port of arrival if it be a Foreign Port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place at which it shall be intended to land the passengers or any of them.

In

In case of non-compliance with any of the requirements of this section on the part of the Master, or if any false entry be wilfully made by him in any such list, the Master shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship taking additional passengers and touching at intermediate Port.

15. If, after the Ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a Port or place within British India or the said dominions, appointed under this Act for the embarkation of passengers,

or if such Ship shall, upon her voyage, touch or arrive at any such Port, having previously received on board additional passengers at any place beyond British India or the said dominions, the Master shall obtain a fresh certificate from the officer at such Port, and shall make lists of all such additional passengers; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or list made under this section.

In case the Master fail to obtain any such fresh certificate, or to make any such list of additional passengers, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

Penalty for fraudulent alteration in Ship after certificate obtained.

16. If any Master of a Ship, after having obtained a certificate under section six or section fifteen of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the Ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Information to be transmitted to Ports of embarkation.

17. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within British India at which the Ship shall touch or arrive, shall, with advertence to the requirements of this Act, transmit any particulars which he may deem important respecting the Ship and the passengers conveyed therein, to the officer at the Port from which the Ship commenced her voyage, and also

also to the officer at any other Port within British India or the said dominions where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

18. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Depositions to be received in evidence when witnesses cannot be produced.

19. Whenever, in the course of any legal proceeding instituted under this Act at any Port or place in British India, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the Port or place where such proceedings are instituted) or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted:

Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

20. Within

Length of voyage to be fixed by proclamation.

20. Within British India, the Local Government may, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (if any), or in one of the public newspapers, declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any Port or place in British India or the said dominions to any other Port or place.

Quantity of provisions and water to be shipped.

21. Every Native Passenger Ship, at the time of departure from the Port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the declared duration of the voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, flour, oatmeal, or breadstuffs to the amount of seven pounds weight to every week of such duration for every such passenger;

Provided that, when any such Ship shall be destined to call at a Port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place of calling, shall be deemed to be a compliance with this Act.

The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Provided also that, in the case of steam-ships provided with a condenser, the officer authorized in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this section to an amount not less than four gallons to every week of the declared duration of the voyage, for every passenger on board.

22. The

22. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Contract by passengers for supply of their own provisions.

23. If any Ship, bringing passengers from any Port or place east of the Cape of Good Hope and not within British India or the said dominions to any Port or place within British India or the said dominions, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the Master of such Ship shall, in addition to any other penalty which he may have incurred under the provisions of this Act, be liable, on conviction, for each person in excess of such proportion to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Penalty on Ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.

24. In the case of every Native Passenger Ship sailing from any Port within British India to any Port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such Ship, shall not grant such clearance unless and until the Owner, Agent or Master of such Ship and two sureties resident in British India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penal sum of rupees five thousand, conditioned to be void if the said Ship touches at Aden on her outward and also on her homeward voyage and does not leave that Port without having obtained from the proper authority a clean bill of health.

Bond when Ship clears for a port in Red Sea.

25. Every Ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any Port east of the Cape of Good Hope to any Port in the Red Sea,

or sailing from any Port in the Red Sea to any Port east of the Cape of Good Hope,

shall touch at Aden, and shall not leave that Port without having obtained from the proper authority a clean bill of health.

Ships sailing to or from a port in Red Sea to touch at Aden.

Every Master of a Ship offending under this section, shall, for every such offence, be liable to a fine not

not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Bill of health.

26. No bill of health shall be granted under section twenty-four or section twenty five in case the Ship has on board a greater number of passengers or persons than in the proportion prescribed by this Act.

Penalty on Master of Native Passenger Ship, bound from Turkish to Indian port, entering latter without clean bill of health in breach of Convention.

26A. Whenever a Convention shall have been entered into between the Government of Her Majesty the Queen and the Turkish Government, that every Master of a Native Passenger Ship leaving a Turkish port or place and bound for any port or place in British India, whether such ship be owned by a subject of Her Majesty or not, shall execute a bond binding him in a penalty to touch at Aden, and not to proceed thence without a clean bill of health, obtained in the manner provided in section twenty-five, any Master of any such ship, whether he be a subject of Her Majesty or not, who shall come into any port or place in British India without such clean bill of health, may be taken by the officer in charge of such port or place before any Magistrate having local jurisdiction; and on proof that such Master has come from a Turkish port or place, such Magistrate shall presume that such bond was duly executed by such Master, and in default of production of such clean bill of health, shall presume that the penalty mentioned in such bond has been incurred; and may award the full amount or any part of such penalty against such Master, and, in default of payment of such penalty, may recover it as though it were a fine imposed under this Act.

CHAPTER III.

Coasting Steamers.

Certificates to be furnished to coasting Steam Vessels intended to carry passengers.

27. Steam Vessels intended to carry passengers on coasting voyages from or to any Port or place within British India, shall, before proceeding on such voyages, be furnished with certificates granted in manner hereinafter provided.

28. Every

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28. Every such certificate shall be granted at the discretion of an officer authorized by the Local Government to grant the same, and shall remain in force for the period therein specified, unless sooner revoked.

Certificates to coasting Steam Vessels how to be granted, &c.

The officers so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty rupees), that such Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage.

The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry: such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

29. The Owner or Master of any such Steam Vessel shall put up in a conspicuous part of the Ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such Owner or Master shall, for each offence, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Copy of certificate to be placed in conspicuous part of Ship.

30. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the Owner or Master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty rupees, or to imprisonment not exceeding one week, or to both.

Penalty for excess of number specified in certificate.

31. If any such Steam Vessel shall proceed on any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for any term not exceeding three months, or to both.

Penalty for proceeding without certificate.

32. In

Grant or revocation of certificate to be subject to control of Government.

32. In the grant or revocation of any certificate under this Act, the officer granting or revoking the same shall be subject to the control of the Local Government or of any intermediate authority which that Government may appoint.

CHAPTER IV.

MISCELLANEOUS.

Penalty on landing passenger at a place other than that at which he has contracted to land.

33. If any Native Passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Passenger's right of action preserved.

34. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

Adjudication of offences.

35. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Fine leviable by distress on Ship.

If the person on whom any fine is imposed under this Act is the Master or Owner of a Ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture and apparel.

Jurisdiction.

36. For the purpose of the adjudication of penalties under this Act, every offence hereunder shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

By whom proceedings for penalties to be instituted.

37. The penalties to which Masters and Owners of Ships are liable by this Act, shall be enforced only by information laid at the instance of the officers appointed

appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, by the Chief Officer of Customs.

Application of fines.

38. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

Saving of Act XXV of 1859.

39. Nothing in this Act shall affect the provisions of Act XXV of 1859 (*to prevent the overcrowding of vessels carrying Native Passengers in the Bay of Bengal*).

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ACT No. XIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st April 1870).

An Act to apply the provisions of Act No. XVIII of 1854 to Railways belonging to, or worked by, Government.

1. ACT No. XVIII of 1854 (*relating to Railways in India*) shall apply to all Railways now or hereafter belonging to Government, but worked by a Railway Company, in the same manner as if such Railways belonged to the Company and had been opened by the Company in manner mentioned in the preamble to the said Act.

Application of Railway Act to Railways belonging to Government but worked by Companies.

2. Subject to the modifications hereinafter mentioned, the said Act shall apply to all Railways now or hereafter worked by Government in the same manner as if such Railways had been opened by a Railway Company in manner aforesaid.

Application of Railway Act to Railways worked by Government.

3. In applying the said Act to any Railway now or hereafter worked by Government,

Modifications of Act when applied to Railways worked by Government.

the expressions "servant of the Company," "such servant," "such servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants," and "any of their servants," shall mean a servant or servants employed on such Railway:

the expressions "officer or servant of such Railway Company," "officer or servant of such Company," "officer or servant of the Company," "servant or officer of the Company," and "such officer or servant" shall mean an officer or servant employed on such Railway:

the expressions "the premises of any such Railway Company," "the premises of the Company," "premises

[*Price one anna.*]

"premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations or other premises belonging to the Company," shall mean the premises, lands or stations (as the case may be) occupied by or for such Railway:

the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "engagements on behalf of the said Railway Company" shall mean engagements on behalf of Government:

sections nine and ten shall be read as if, for the expression "No such Railway Company shall," the expression "The Government shall not" were substituted:

the expressions "any such Railway Company," "such Railway Company," "any such Company," and "the Company" shall mean, in sections three, six, eight, eleven, twelve, fifteen, twenty-two, twenty-seven and thirty, the Government;

but in sections seventeen, nineteen, twenty, twenty-one, twenty-three, forty-one and forty-two, the expressions "Railway Company," "such Railway Company," "the Company," and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control of such Railway:

in section twenty the expression "their railway" shall mean such Railway:

and section twenty-nine shall be read as follows:—

"XXIX. In the construction of this Act, every officer and servant employed on such Railway shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public, which he shall be required to do by any regulation made by the officer for the time being entrusted with the control of such Railway and allowed by the Governor General of India in Council, and of which regulation such officer or servant shall have notice;

and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall

shall be likely to cause danger and which by any such regulation he shall be prohibited from doing;

and every person employed by or on behalf of the Government to do any act upon the Railway shall be deemed to be a servant employed on such Railway."

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ACT No. XIV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th April 1870).

An Act for repealing certain enactments which have ceased to be in force, or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of ime and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:— Preamble.

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: Enactments in schedule repealed.

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recog-

[*Price six annas.*]

nized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing, or in force.

Short title

2. This Act may be called "The Repealing Act, 1870."

SCHEDULE.

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
13 Geo. III, cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three and thirty-six, and section thirty-eight from and including the words 'and for that purpose' to the end of the section.
21 Geo. III, cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of His present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court	Sections nine to sixteen (both inclusive). Sections nineteen to twenty-six (both inclusive).
33 Geo. III, cap. lii.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together	Section sixty-one. Section one hundred and thirty-seven from and including

SCHEDULE (*continued*).

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
33 Geo. III, cap. lii,—*continued.*	with their exclusive trade, under certain limitations; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	the words 'nor shall it be lawful for any of His Majesty's subjects' to the end of the section. Sections one hundred and fifty-five and one hundred and fifty-nine.
37 Geo. III, cap. cxlii	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III, cap. lxxix.	An Act for establishing further regulations for the government of the British territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four.
53 Geo. III, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.

SCHEDULE (*continued*).

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
54 Geo. III, cap. cv.	An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.
55 Geo. III, cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty, as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	The whole Act, except section one.
4 Geo. IV, cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	Sections eight, nine, ten and fourteen.

SCHEDULE (*continued*)

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
5 Geo. IV, cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section two.
6 Geo. IV, cap. lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually providing for the administration of justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
7 Geo. IV, cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	So much as has not been repealed.
9 Geo. IV, cap. xxxiii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the estates of persons dying before the first day of January 1866.
11 Geo. IV & 1 Wm. IV, cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.

SCHEDULE (*continued*).

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
5 & 6 Wm. IV, cap. vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the Government of the British Territories in the East Indies subsequent to the twenty-second day of April one thousand eight hundred and thirty-four, and to make those acts valid.	The whole Act so far as it relates to British India.
11 & 12 Vic., cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.
17 & 18 Vic., cap. civ.	An Act to amend and consolidate the Acts relating to Merchant Shipping.	Section nine, so far as it relates to British India.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and Year.	Title.	Extent of repeal.
X of 1836 ...	Indigo contracts	Section one.
XX of 1836 ...	Revenue Sale law	Sections one and four.
VI of 1837 ...	Land Revenue (Cuttack) ...	Section two.
XXXVI of 1837 ..	Madras Criminal Jurisdiction Act	In section one, the words and figures 'It is hereby enacted that from the 15th day of December 1837,' and in section two the words 'from the said day,'
XI of 1838 ...	Amíns, Bengal	Section one, and in section two the words 'And it is hereby enacted that.'
XVI of 1838 ...	Bombay—Judiciary... ...	In section one, clause one, the words 'It is hereby enacted in modification of the rules contained in Chapter VIII, Regulation XVII of 1827 of the Bombay Code that'
		In section five, the words 'without further costs . of stamps to the parties except on new exhibits if any such should be allowed to be filed,' and from and including the words 'but if an appeal' to the end of the section.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIX of 1838 ...	Bombay Coasting Vessels ...	Section one.
XXIX of 1838	Salt Department, Bengal ...	Section one.
XXXII of 1838...	Justices of the Peace ...	Sections two and three.
VII of 1839 .	Tahsíldárs, Madras	Section one.
XXIV of 1839	Ganjam and Vizagapatam ...	Section one.
XVI of 1840 ...	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
XI of 1841 ..	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in section one. Section eighteen.
XII of 1841 ...	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section one.
XXIX of 1841 ..	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and including the words 'are repealed, and'
XVII of 1842 ...	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one, and in sections two and three the words 'and it is hereby enacted that'
XI of 1843 .	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.
XI of 1844 ...	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XVI of 1844 ...	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVIII of 1844 ...	An Act for the better control and management of gaols within the Bengal Presidency.	Section one, and in section two the words 'And it is hereby enacted that'
XX of 1844 ...	An Act to amend the law relating to advances *bonâ fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV of 1845 ...	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section six.
VIII of 1846 ...	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Section one so far as it relates to Hissar, Saharanpore, Moozuffernugger, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
I of 1847 ...	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In section six, the words and figures 'under Act IV of 1840.'
IX of 1847 ...	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX of 1847 ...	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV of 1848 ...	An Act for regulating Coroner's Juries.	In section two, the words and figures 'according to the provisions of Act No. II of 1839.'
XVI of 1848 ..	An Act to remove certain restrictions on the salt trade.	The whole.
XVIII of 1848 ...	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I of 1849 ..	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one.
VI of 1849 ...	For securing Military and Naval pensions and superannuation allowances.	Sections one and four.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1849 ...	For securing the Abkaree revenue of Calcutta.	Section one.
IX of 1850 ...	An Act for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	Section seven. In section seventeen, the words 'by action of debt or on the case.'
XI of 1850 ...	An Act to amend Act X, 1841 ...	Section one.
XII of 1850 ...	For avoiding loss by the default of Public Accountants.	Section six.
XIX of 1850 ...	Concerning the binding of apprentices.	Section six.
XXV of 1850 .	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819, and Act IV, 1846.	Section one.
XXVI of 1850 ...	An Act to enable improvements to be made in towns.	Section one.
XXXIII of 1850...	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII of 1850.	For regulating inquiries into the behaviour of public servants.	Section one.
XLIV of 1850 ...	An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI of 1851 ...	Respecting certain land in Bombay called Foras Land.	The whole.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
VIII of 1851 ...	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
V of 1852 ...	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.
XV of 1852 ...	An Act to amend the Law of Evidence.	Section fourteen.
XVI of 1852 ...	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX of 1852 ...	An Act for securing the Abkaree revenue of Madras.	Section one.
XXIII of 1852 ...	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
XXIX of 1852 ...	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
XI of 1853 ...	An Act to facilitate the removal of Nuisances and Encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven, the words 'the East India Company as trustees for.'

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XX of 1853 ...	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V of 1854 ..	An Act to amend Act No. V of 1838 relating to the Bengal Bonded Warehouse Association.	Section one.
VII of 1854 ...	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.	Section twenty-four.
XIII of 1854 ...	An Act to repeal Act No. VI of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	Section one.
XVI of 1854 ...	An Act to amend Regulation XI of 1831 of the Bengal Code.	Section one.
XVIII of 1854 ...	An Act relating to Railways in India	Section thirty-nine.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIV of 1854 ...	An Act to prohibit the possession of certain offensive weapons in Malabar.	In section one, from and including the words 'and every person' to the end of the section. In section two, the words 'after such date.'
XXVII of 1854...	An Act to amend the law relating to the Nazim of Bengal.	Section one.
XXX of 1854 ...	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI of 1854 ...	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II of 1855 ...	An Act for the further improvement of the Law of Evidence.	Section seventeen.
XXII of 1855 ...	An Act for the regulation of Ports and Port-dues.	Section one, and in section thirty-five, the words 'or of the Honorable East India Company.' Section forty-three.
XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXVI of 1855 ...	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of section five as relates to persons dying in the service or in the Marine service of the East India Company.
XXVIII of 1855	An Act for the repeal of the Usury Laws.	Sections one, seven and eight and the schedule.
XXXII of 1855 ...	An Act relating to embankments..	Section one.
XXXVII of 1855	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six.
VIII of 1856 ...	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one.
XI of 1856 ...	An Act for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India.	In the title and the preamble the words 'and of the East India Company.'
XII of 1856 ...	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIII of 1856 ...	An Act for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from the beginning down to and including the words 'operation, and' And the schedule.
XX of 1856 ...	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section one from the beginning down to and including the words 'provided that'
XXI of 1856 ...	An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine.
III of 1857 ...	An Act relating to trespass by Cattle.	Sections one and twenty-two.
IV of 1857 ...	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	Section one. In section five, the words and figures 'within the meaning of Act XXV of 1836,'
X of 1857 ...	An Act to amend Act XXXVII of 1855.	Section one from the beginning down to and including the words 'this Act; and'
XIII of 1857 ...	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.

SCHEDULE *(continued)*.

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIX of 1857	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
XXX of 1857 ..	An Act for the levy of Port-dues and fees in the Port of Calcutta	Section seven from the beginning down to and including the words 'said date'
XXXI of 1857 ..	An Act for the levy of Port-dues and fees in the Port of Bombay.	Section six from the beginning down to and including the words 'said date'
XXXIV of 1857	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.
XXXV of 1857 ..	An Act for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong.	Section five from the beginning down to and including the words 'said date'
II of 1858 .	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six from the beginning down to and including the words 'said date'
III of 1858	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section one.
VIII of 1858 ...	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight from the beginning down to and including the words 'said date'

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XV of 1858 ...	An Act for the levy of Port-dues in the Port of Aden.	Section six from the beginning down to and including the words 'said date'
XXVIII of 1858	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV of 1858...	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL of 1858	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.	Section one.
III of 1859 ...	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven, the words 'or who shall be appointed Register of Deeds,' and the words 'and Registers of Deeds respectively,'
VIII of 1859 ..	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty-two, the words 'in any Court of Judicature established by Royal Charter, or' Section three hundred and eighty-seven.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
X of 1859 ..	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.
XI of 1859 ..	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII of 1859 ...	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV of 1859 ...	An Act to provide for the limitation of suits.	Sections eighteen, twenty-one and twenty-three, and, in section nineteen, the proviso.
XVII of 1859 ...	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	Section one.
XX of 1859 ...	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George.	Section one.
XXII of 1859 ...	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section one.

SCHEDULE *(continued)*.

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIV of 1859 ...	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Sections two and three and the schedule down to and including the words 'said clause'
XXV of 1859 ...	An Act to prevent the over-crowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.
II of 1860 ...	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one, the words and figures 'under Act XV of 1842,' 'under Act XXI of 1844,' 'under Act XXXI of 1855.'
VIII of 1860 ...	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section one.
XXIII of 1860 ...	An Act to amend Act XXI of 1856 (to consolidate and amend the Law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one from the beginning down to and including the word 'repealed' and the schedule.
XXV of 1860 ...	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including the words 'said date'
XXVIII of 1860	An Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort St. George.	Sections one and thirty-three.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXXI of 1860 ...	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty-five.
XLV of 1860 ...	The Indian Penal Code ...	In section five, the words 'or of the East India Company, or of any Act for the government of the Indian Navy,'
XLVI of 1860 ...	An Act to authorize and regulate the emigration of Native labourers to the French Colonies.	Section one.
XLVIII of 1860...	An Act to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	Section one from the beginning down to and including the words 'repealed, and'
L of 1860 ...	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section one.
X of 1861 ...	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIV of 1861 ...	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four, the words 'shall not call for the futwah of its Law Officer, and' Section seven.
XVI of 1861 ...	An Act for licensing and regulating stage carriages.	Section twenty-two.
XVII of 1861 ...	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section three.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.	In the preamble, from and including the words 'and whereas due notice' down to and including the words 'hereinafter provided;' Section one. In section two, the words 'After the passing of this Act,' and the words 'except the Banks of Bengal, Madras and Bombay up to the said 1st day of March 1862, and'
XXIII of 1861 ...	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.

SCHEDULE *(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXV of 1861 ...	An Act for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five, except so far as it empowers the Governor General in Council to extend the Act.
IV of 1862 ..	An Act for regulating the Bank of Bengal.	Sections one and forty-two, and the second proviso in section eleven.
XIII of 1862 ..	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX of 1862	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Sections seven, eleven and twelve.
XXIII of 1862 ...	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
I of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said territory.	Sections one and twenty-eight.
VI of 1863 ...	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII of 1863 ...	An act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.	Sections two, three, four, five, six.
XV of 1863 ...	An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one.
XIX of 1863 ...	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section one, and the first eight words of section two. Section fifty.
XX of 1863 ...	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV of 1863 ...	An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said territory).	Sections four and five.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
VII of 1864 ...	An Act for regulating the importation and manufacture of alimentary salt, in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII of 1864 ..	An Act to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII of 1864 ...	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII of 1864 ...	An Act to constitute an Office of Official Trustee.	Section two.
XXII of 1864 ...	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven and the schedule.
XXIV of 1864 ...	An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section fifteen.
XXVIII of 1864 ...	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), to the provinces under the control of the Lieutenant Governor of the Panjáb.	Section three.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1865 ...	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section two, from the beginning down to and including the words 'Provided that' And from and including the words 'and all suits' down to the end of the section.
XIII of 1865 ..	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In section nine, the words 'From and after the date on which this Act shall come into operation,' and, in sections twenty-two, twenty-three, twenty-four and forty-four, the words 'From and after the commencement of this Act,' Sections forty-five and forty-six.
XIV of 1865 ...	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XV of 1865 ...	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven, the words 'who may be the Registrar appointed under Act XVI of 1864 (*to provide for the registration of assurances*).' In section fifty-three, the words 'shall commence and take effect on the first day of September 1865, and'
XIX of 1865 ...	An Act to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies.	Sections twenty-four and twenty-five.
XX of 1865 ...	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866 ...	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections forty-five, fifty-two and fifty-four.
V of 1866 ...	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In section two, the words 'From and after the first day of May 1866,"
X of 1866 ...	The Indian Companies' Act ..	Sections two hundred and nineteen, two hundred and twenty, two hundred and twenty-one and two hundred and twenty-two, and the third schedule.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1866 ...	An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.
XIV of 1866 ...	The Indian Post Office Act, 1866.	In section one, the words 'shall come into operation on the first day of May 1866, and' Section three.
XX of 1866 ...	The Indian Registration Act, 1866.	Section three, and section ninety-eight from the beginning down to and including the word 'notwithstanding.' Section one hundred and two.
XXII of 1866 ...	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts, and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In section one, the words 'From and after the passing of this Act''
XXVI of 1866 ...	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
XXVII of 1866...	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section one.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	Section two and the schedule.
XVIII of 1867 ...	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsí Division.	Section two.
XXIV of 1867 ...	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV of 1867 ...	An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
XXXIV of 1867...	An Act to repeal Act No. XIX of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV of 1867 ...	An Act to provide temporary assistance to the Financial Commissioner of the Panjáb.	The whole.
III of 1868 ...	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár.	Section three.
VIII of 1868 ...	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1868 ...	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII of 1868 ...	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section one.
XVI of 1868 ...	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
XVII of 1868 ...	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII of 1868 ...	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX of 1868 ...	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.
XX of 1868 ...	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII of 1868 ...	An Act to give validity to certain Ábkárí Rules in British Burmah.	In the preamble, the words 'and to indemnify all officers, farmers and other persons who have acted under them, or under any such rules previously published or enforced under the same authority' And section two.

SCHEDULE (*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXV of 1868 ...	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
XXVIII of 1868	An Act to define and amend the law relating to the tenancy of land in the Panjáb.	Section four.
II of 1869 ...	An Act for the appointment of Justices of the Peace.	Section two and the schedule.
III of 1869 ...	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V of 1869 ...	The Indian Articles of War ...	Part I, clause (*c*), paragraphs one, two and three.
VI of 1869 ...	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
VII of 1869 ...	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words 'and to indemnify the officers and other persons who have acted under them;' Section two.
VIII of 1869 ..	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.
XI of 1869 ...	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.	Section two.

SCHEDULE (*concluded*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIV of 1869 ...	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
XVIII of 1869 ..	An Act for imposing Stamp Duties on certain Instruments.	Section two and the third schedule.
XX of 1869 ...	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1869 ...	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
XXIV of 1869 ..	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Section one.
VII of 1870 ...	The Court Fees Act ...	Section two and the third schedule.

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ACT No. XV OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th April 1870).

An Act for the further amendment of Act No. XIX of 1861.

FOR the purpose of further amending Act No. XIX of 1861 (*to provide for a Government Paper Currency*); It is hereby enacted as follows:— Preamble.

1. In section four of the said Act, the words 'who may be the Master of the Mint at Calcutta' and the words 'who may be the Master of the Mint at Madras and the Master of the Mint at Bombay' shall be repealed. Amendment of Act No. XIX of 1861, section 4.

2. Section ten of the said Act shall be read as if, for the words 'four crores,' the words 'six crores' were substituted. Amendment of section 10.

[*Price one anna.*]

O. S. G. P.—No. 175 L. C.—29-4-70.—2,500.

THE INDIAN INCOME TAX ACT, 1870.

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ACT No. XVI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th April 1870).

An Act for imposing duties on Income and Profits.

FOR the purpose of imposing duties on income and profits arising from offices, property, professions and trades; It is hereby enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called "The Indian Income Tax Act:" Short title.

It extends to the whole of British India; Extent of Act.

It shall be deemed to have come into operation on the first day of April 1870, and it shall cease to be in force on the thirty-first day of March, 1871, except as to taxes and penalties then due and incurred thereunder. Commencement and continuance of Act.

2. On and from the said first day of April 1870, the Acts mentioned in the third schedule hereto shall be deemed to have been and shall be repealed to the extent specified therein, except as to taxes due under any of such Acts. Repeal of Acts.

The references made in the Court Fees Act, schedule II, to the Indian Income Tax Act shall be deemed to be made to this Act.

3. In this Act—unless there be something repugnant in the subject or context— Interpretation-clause.

"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace: "Magistrate."

"Company"

"Company." "Company" means an Association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not:

"Firm" "Firm" includes a Hindú undivided family:

"Person" "Person" includes a firm:

"Defaulter." "Defaulter" includes a firm making default under this Act:

"Collector" In the case of any Company or Municipal or other public Body or Association not being a Company, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act, "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

Exemptions from Act. **4.** Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed five hundred rupees per mensem;

or to any moveable or immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

Power to exempt from Act. **5.** The Governor General of India in Council may from time to time, by order, wholly exempt from the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General of India in Council may revoke any such order.

All

All orders and revocations made under this section shall be published in the *Gazette of India.*

PART II.

DUTIES ON OFFICES.

6. A duty of six pies for every rupee shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in British India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a ship trading to and from British Indian ports, whether on account of himself or another person.

Duties on offices.

7. No income amounting to less than forty-one rupees, ten annas, eight pie per mensem shall be chargeable under this Part.

Exemption of incomes less than Rs. 41-10-8 per mensem.

8. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government,

Deduction in case of Government officials and pensioners.

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

9. In the case of every person holding a paid employment under or receiving any annuity or pension from any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Deduction in case of servants and pensioners of Companies and Municipalities.

Every

Payment to Government.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions and shall be answerable to such Government for such payment.

Indemnity.

Every Company, public Body or Association, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

Annual return by Treasurer, &c.

The Treasurer, Secretary or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April in this year, deliver, to the Collector, in such form as may be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or Body or Association whose pay or pension or annuity as such amounts to forty-one rupees, ten annas, eight pie per mensem or upwards, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

Difference between duty under this Act for April 1870 and duty under Act IX of 1869.

10. Whenever the full duty leviable under this Act in April 1870 is not deducted at the time of payment in that month from the pay, annuity or pension chargeable therewith, the deficiency shall be deducted from such pay, annuity or pension at some subsequent time of payment.

PART III.

COMPANIES.

Shipping Companies.

11. The Treasurer, Secretary or principal Agent or Manager in India of every Company shall, in the case of a Shipping Company trading between British India and any other country, pay to Government in respect of one moiety of the nett profits made by each of the ships

ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up, the duty of six pies in the rupee,

and in the case of every other Company pay to Government in respect of the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up the duty of six pies in the rupee,

Other Companies.

and shall prepare, and, on or before the thirtieth day of April in this year, deliver, to the Collector, a statement in writing signed by him showing the result of such accounts (if any).

Statement of result of accounts.

In the case of any Company where no such accounts as are mentioned in this section have been made up within the year ending on the thirty-first day of March 1870, the Treasurer, Secretary or principal Agent or Manager of such Company shall prepare, and, on or before the thirtieth day of April in this year, deliver, to the Collector a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the said thirty-first day of March.

Annual return of nett profits.

Every such Treasurer, Secretary or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this section.

Indemnity.

PART IV.

Duties on all other Income and Profits.

12. A yearly duty in accordance with the first schedule to this Act annexed shall be levied upon all income and profits accruing and arising in British India and not chargeable under Part II or Part III of this Act.

Duty on income not charged under Part II or Part III.

13. The trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic, or idiot, and having the control of the

Trustees, guardians and committees of incapacitated persons to be charged.

the property of such infant, married woman, lunatic, or idiot, whether such infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Non-residents charged in names of their agents.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under this Part, shall be chargeable in the name of such agent in the like manner and to the like amount as he would be charged if resident in British India and in actual receipt of such income or profits.

Trustees or agents of persons incapacitated or non-resident to furnish statements of income or profits with declaration.

14. Every such trustee, guardian, curator, committee or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income or profits in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

Receivers, Managers, Courts of Wards, Administrators General and Official Trustees.

15. Receivers or Managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees, shall be chargeable under this Act in respect of all income and profits officially in their possession or under their control.

Power to retain duties charged on trustees, &c.

16. When any trustee, guardian, curator or committee, or agent is assessed under this Act in such capacity;

or when any receiver appointed by any Court, Court of Wards, Administrator General, or Official Trustee is assessed under this Act in respect of the income and profits officially received by him;

every person and Court so assessed may, from time to time, out of the money coming to his or its possession as such trustee, guardian, curator, committee or

agent,

agent, or as such receiver, Court of Wards, Administrator General or Official Trustee, retain so much as shall be sufficient to pay the amount of the assessment.

Every such person and Court is hereby indemnified for every retention and payment made in pursuance of this Act. Indemnity

17. In the case of every person chargeable under this Part whose annual income or profits is or are in the Collector's opinion two thousand rupees or upwards, the Collector shall, Notice requiring returns

and in the case of every other person so chargeable, the Collector may,

serve a notice on him requiring him to fill in a return of his income and profits, or of the income and profits in respect whereof he is chargeable, in the form to be prescribed by the Governor General of India in Council, and specifying the day by which the return is to be made, and the place of the Collector's office at which the return is to be made.

Every such notice shall be signed by the Collector.

The form of the return shall accompany the notice.

18. Every person on whom such notice is served shall send to or deliver at the Collector's office the return duly filled in and signed by him. Return how made

A declaration shall be added by such person at the foot of the return, that the profits or income stated therein are truly estimated on all the sources therein mentioned.

19. Every person, when required so to do by a notice in the form to be prescribed by the said Governor General in Council shall, within the period mentioned in such notice, prepare and deliver to the Collector a list containing, to the best of his belief, the name of every lodger or inmate resident in his dwelling-house, and of any other persons, receiving salary or emoluments amounting to forty-one rupees, ten annas, eight pie per mensem or upwards, employed in Lists of lodgers and employees

his

his service, whether resident in such dwelling-house or not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who has any ordinary place of residence elsewhere, at which he is liable, under this Act, to be assessed, and who desires to be so assessed at such place.

Such lists shall be signed by the persons respectively delivering the same, and shall be prepared in the form to be prescribed as aforesaid.

Collector to determine persons chargeable

20. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount that every such person shall be assessed in accordance with the said schedule; and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

Computation when assessee becomes chargeable within year

21. In the case of a person for the first time becoming chargeable under this Part within the year of assessment, the computation shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct.

Notice to persons chargeable

22. The Collector shall cause a notice to be served on every person chargeable under this Part stating—

(1).—The name and the profession, trade or other source of the income or profits of such person, or of the income and profits in respect of which he is chargeable:

(2).—The year or portion of the year for which the duty is to be paid:

(3).—The place or places, district or districts, where such income or profits accrues or arise:

(4).—The amount to be paid;

and requiring him within fifteen days from the date of the service to pay such amount.

23. Such

23. Such amount shall be paid to the Collector, who shall grant a receipt for such payment to the person making the same: Officer to grant receipts.

Provided that, if such income or profits accrues or arise at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

24. Every such receipt shall specify— Contents of receipt.

(1).—The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid:

(2).—The year or portion of the year for which the duty is paid:

(3).—The amount paid, and the date of payment; and

(4).—The place or places, district or districts, where the income or profits accrues or arise; and shall be admissible as *primâ facie* proof of all matters contained therein.

25. Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled: Petition against assessment.

Provided that no person who shall have been served with a notice under section seventeen shall be entitled to apply by petition under this section unless Proviso.

he shall

he shall have made the return required in such notice on or before the day therein mentioned, or unless he shall satisfy the Collector that he had a sufficient excuse for not making such return.

Form and verification of petition.

The petition shall be in the form contained in the second schedule to this Act annexed, or as near thereto as circumstances admit, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

Hearing of petition.

26. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, or on the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the fee on the petition.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

Appeal to Commissioner from order on petition.

27. Any person dissatisfied with any order under section twenty-six may, within fifteen days from the date thereof, on payment of the sum in which he was assessed or to which his assessment was enhanced, present a petition of appeal to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Documents to accompany appeal.

Every petition presented under this section shall be accompanied by a copy of the petition to the Collector, a copy of the Collector's order thereon, and all other documents (if any) connected with the case.

Copies of petition and order exempt from fees.

Neither of such copies shall be chargeable under the Court Fees Act.

When

When the decision on such appeal is in favour of the petitioner, the value of the fees on his petition to the Collector and on his petition of appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid, shall at once be refunded. Return of fees and excess.

28. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India. Power to summon persons to give necessary information.

29. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income or profits not specified in the receipt granted to him under section twenty-three has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person, stating the amount to be paid in respect of such source; and the provisions contained in sections twenty-two to twenty-eight (both inclusive) shall apply to such notice and regulate the procedure thereunder. Power to issue fresh notice.

PART V.

PENALTIES.

30. Every Treasurer, Secretary or principal Agent or Manager failing to make any payment or to prepare and deliver any return required by section nine, Treasurers, &c., failing to make payments or deliver returns.

or failing to make any payment or to prepare and deliver any statement or return required by section eleven,

and every trustee, guardian, curator, committee or agent failing to deliver any statement or declaration required by section fourteen, Trustees, &c., failing to deliver statements or declarations.

shall

shall, for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

Failure to pay amount of assessment.

31. If any person served with notice under section twenty-two does not within the period specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such notice: Provided that he has not presented a petition under section twenty-five.

If any such person presents a petition under section twenty-five and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

Grant of receipt on recovery of fine.

On the recovery of the fine from the person so convicted, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

False statement in declaration, list or petition.

32. Whoever makes a statement in any declaration or list made or delivered under section eighteen or nineteen, which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have committed the offence described in section one hundred and seventy-seven of the Indian Penal Code.

Whoever makes a statement in any petition presented under section twenty-five which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

33. No

33. No person shall be proceeded against for any offence under section thirty, section thirty-one, or section thirty-two, except at the instance of the Collector. Prosecution to be at instance of Collector.

34. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being. Mode of recovering fines.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

35. In sections one hundred and ninety-three and two hundred and twenty-eight of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act. Sections 193 and 228 of Penal Code to apply to proceedings.

PART VI.

PAYMENT.

36. All taxes under this Act, except when they are deducted under section eight or section nine, shall be payable on the fifth day of April 1870. Tax when payable.

Instalments.

Provided that the amount so payable may be paid by four equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section twenty-two upon the person paying the same, and the second instalment on the first day of July, the third instalment on the first day of October, and the fourth instalment on the first day of January 1871. Payment by instalments.

37. When

Death or insolvency of person paying instalment.

37. When any person pays only such first instalment, or first and second instalments, or first, second and third instalments, and in any of the quarters respectively ending on the thirtieth day of June, the thirtieth day of September or the thirty-first day of December, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profit arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the subsequent instalments or instalment shall not be claimable.

Firm paying instalment and dissolving partnership or becoming insolvent.

When any firm pays only such first instalment, or first and second instalments, or first, second and third instalments, and in any of the quarters respectively ending on the days last aforesaid dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the subsequent instalments or instalment shall not be claimable.

Recovery of subsequent instalment.

38. If the Collector has caused a notice to be served on any person liable to pay the said second or any subsequent instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

Recovery under Revenue-law.

Optional recovery under revenue-law.

39. In any case of default under this Act arising outside the local limits of the towns of Calcutta, Madras or Bombay, the Collector may, if he thinks fit, and if the notice mentioned in section twenty-two, twenty-nine, or thirty-eight (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land-revenue.

On

On the recovery of such amount from the defaulter, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Payment of Taxes and Fines.

40. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Payment of taxes levied and fines recovered under this Act.

PART VII.

MISCELLANEOUS.

41. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

Exercise of powers of Collector and Commissioner.

42. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Service of notices.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

43. When any Company or firm has several places of business in the territories subject to different Local Governments, the Governor General of India in Council

Power to declare principal place of business

shall

shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

Power to declare residence

When any person has several places of residence in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

Governor General in Council empowered to prescribe forms.

44. The Governor General of India in Council may from time to time prescribe forms for the returns, notices and lists hereinbefore mentioned.

All such forms shall be published in the *Gazette of India.*

Governor General in Council empowered to make rules

45. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the powers given by this section so far as regards the territories subject to such Government.

Schedule I.

SCHEDULE I.

Duties.

Persons whose annual income or profits shall be assessed at not less than	Rs. 500	but at less than	Rs. 750	shall pay	Rs. 19	8	0
Ditto ...	„ 750	„ „	„ 1,000	„ „	27	0	0
Ditto	„ 1,000	„ „	„ 1,500	„ „	39	0	0
Ditto ...	„ 1,500	„ „	„ 2,000	„ „	54	0	0
Ditto .	„ 2,000	.	...	...	six pies in the rupee.		

SCHEDULE II.

Form of Petition under Section 25.

Stamp eight annas.

TO THE COLLECTOR OF

The *day of* 187 .

The petition of *A. B.* of

SHEWETH—

1*st.*—That under the Indian Income Tax Act your petitioner has been assessed in the sum of *twenty-seven* rupees for the year commencing the first day of April 187 .

2*nd.*—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the thirty-first day of March last were rupees as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

3*rd.*—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the first day of April 187 will exceed the said sum of rupees

Your

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the fee on this petition may be refunded [*or* that he may be declared not to be chargeable under the said Act, and that the value of the fee on this petition may be refunded].

(Signed) *A. B*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

SCHEDULE III.

Enactments repealed

Number and Year	Title of Act	Extent of Repeal
Act No IX of 1869	The Indian Income Tax Act	The whole
Act No XXIII of 1869	An Act to enhance the duties leviable under the Indian Income Tax Act	The whole
Act No VII of 1870	The Court Fees Act	In section thirty-two, the words "and the Indian Income Tax Act, section twenty, shall be read as if, for the words 'the value of the said stamp, the words 'the fee on the petition' were substituted" In the second schedule, No nine, the words "section twenty-one"

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BENGAL SECRETARIAT LIBRARY

ACT No. XVII OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th April 1870).

AN ACT to amend the Law relating to Customs Duties.

WHEREAS it is expedient to amend the Law relating to the duties of Customs on goods imported and exported by sea; It is hereby enacted as follows:— Preamble

1. This Act may be called "The Indian Customs Duties' Act, 1870." Short title.

2. Act No. XVII of 1867 (*to amend the Law relating to Customs Duties*) and Act No. XII of 1869 (*to amend the law relating to Customs Duties*) are hereby repealed. Repeal of Acts.

3. There shall be levied and collected, in every port in British India, the duties specified in the two schedules annexed to this Act; and all articles, other than those specified in the said schedules respectively, shall be duty-free: Duties specified in schedules to be levied.

Provided that nothing herein contained shall be taken to affect Act No. XX of 1867 (*to authorize the transshipment, without payment of duty, of goods imported into Calcutta, Madras and Bombay by Steamers*), or Act No. II of 1868 (*to alter the rate of duty leviable on pepper exported from Cochin*), or to alter the existing duties upon Salt and Opium.

4. Section twenty-seven of the Consolidated Customs Act shall be construed as if, for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words were substituted; (that is to say), "for which a specific value Construction of section 27 of Consolidated Customs Act.

[*Price three annas*].

value is not fixed by the Indian Customs Duties' Act, 1870;" but, save as aforesaid, nothing herein contained shall be construed to affect the provisions of the Consolidated Customs Act.

Power to fix value of dutiable goods

5. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed.

SCHEDULE A.

IMPORT TARIFF.

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
1	Apparel, including Haberdashery, Millinery, &c. ...	*Ad valorem.*	Seven and a half per cent.
2	Arms, Ammunition and Military Stores—		
	Gunpowder, common ...	0 5 per lb.	Seven and a half per cent., except as regards Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service, which are free.
	" sporting ...	1 0 "	
	Fire-arms and parts of ditto ...	*Ad valorem.* ...	
	All other sorts, including Military Accoutrements, Uniforms, &c. ...	*Ad valorem.*	
3	Beads and False Pearls—		
	Beads—China ...	30 0 per cwt.	
	" Common ...	28 0 "	
	" Ruby of all sizes ...	0 12 per lb.	
	" Seed ...	0 10 "	
	" Small, Scarlet and Red	0 10 "	
	" Coral (false) Moorzun ...	0 8 per corge of 2,000 beads.	
	All other sorts of false Corals and Beads ...	*Ad valorem.*	
	Pearls, false, Bajeria ...	5 0 per lakh.	
	" Boria ...	1 0 per thousand.	
	" Jouria ...	8 0 per lakh.	
	" Nathia ...	0 6 per thousand.	
	" Tachea ...	0 12 " "	
	" Wattanah ...	10 0 per lakh.	
	All other sorts ...	*Ad valorem.*	
4	Cabinet-ware ...	*Ad valorem.*	Seven and a half per cent.
5	Candles, Wax, Composition and other kinds—		
	Candles, Wax ...	1 0 per lb.	
	" Paraffine ...	0 8 "	
	" Spermaceti ...	0 8 "	
	" Composition and other sorts ...	0 5 "	
6	Carriages ...	*Ad valorem.*	
7	Clocks, Watches, and other Time-keepers ...	*Ad valorem.*	
8	Coffee—		
	Persian Gulf and Red Sea ...	30 0 per cwt.	
	Other places ...	20 0 "	

SCHEDULE A.

IMPORT TARIFF—*continued*

No	Description of Article	Value on which Duty is Assessed	Rate of Duty
		Rs A	
9	Corals, real ..	*Ad valorem*	Seven and a half per cent
10	Corks	1 8 per gross	
11	Cotton—		
	Thread—		
	Sewing Thread White and Coloured	0 11 per lb	
	" In reels, or on cards of one hundred yards (and *pro rata* above and below)*	2 4 per gross reel	
	" Goa and Country	30 0 per cwt	
	Twist—		
	Mule, under No 15	0 6 per lb	Three and a half per cent
	Nos 16 to 24	0 9 "	
	25 to 32	0 10 "	
	33 to 42	0 11 "	
	43 to 52	0 12 "	
	53 to 60	0 14 "	
	No 70	0 15 "	
	80	1 0 "	
	90	1 1 "	
	100	1 2 "	
	110	1 3 "	
	120	1 4 "	
	and one anna additional for every count of ten above No 120		
	Water, No. 20	0 10 "	
	30	0 11 "	
	40	0 13 "	
	50	0 15 "	
	Above 50	1 2 "	Three and a half per cent † Duty to be charged on the Grey weight of the Coloured Yarn, when not ascertainable, the actual Wharf weight or Invoice weight to be taken
	Turkey Red Twist, all kinds†	1 6 per lb	
	Twist, Orange, Red and other Colours† ..	0 15 "	
	Piece Goods—		
	Grey—		
	Mulls	1 1 per lb	Five per cent
	Jaconets exceeding 10 × 10 to the quarter inch ..	0 13 "	
	Other Jaconets	0 11 "	

* Exceeding this length to be charged in proportion

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A	
	Cotton—*continued.*		
	Piece Goods—*continued.*		
	Grey—*continued.*		
	Shirtings, Madapollams and Prints ...	0 11 per lb.	Five per cent.
	Long Cloths, Jeans, Domestics, Sheetings, Drills and T. Cloth .	0 9 „	
	Other sorts ...	*Ad valorem.*	
	Cotton Rope .	25 0 per cwt.	
	Cotton Goods, other kinds ..	*Ad valorem.*	
12	Drugs and Medicines—		
	Acid, Sulphuric ...	0 3 per lb.	
	Alkali, Country (Sajee Khar) ...	2 0 per cwt.	
	Aloes, black ..	10 0 „	
	„ Socotra .	25 0 „	
	Alum	3 8 „	
	Arsenic	25 0 „	
	„ China, Munseel ..	8 0 „	
	Assafœtida (Hing) ...	55 0 „	
	„ Coarse (Hingra) ...	10 0 „	
	Brimstone, Flour ..	7 0 „	
	„ Roll .	6 0 „	
	„ Rough	4 8 „	
	Camphor, Bhimsing (Barras) ...	50 0 per lb.	
	„ Refined cake .	65 0 per cwt.	
	„ Crude in powder ..	50 0 „	
	Cassia Lignea ...	38 0 „	
	Coova, red ...	*Ad valorem.*	Seven and a half per cent.
	Copperas, green ...	2 8 per cwt.	
	Quinine ...	*Ad valorem.*	
	Sal Ammoniac ...	22 0 per cwt.	
	Salep ...	60 0 „	
	Senna Leaves ...	6 0 „	
	All other sorts .	*Ad valorem.*	
13	Dyeing and Colouring Materials—		
	Cochineal ...	1 12 per lb.	
	Gallnuts, Country, Myrabolam...	3 0 per cwt.	
	„ Persian ..	35 0 „	
	Gamboge Wood ..	20 0 „	
	Madder or Munjeet .	10 0 „	
	Orchilla Weed ...	8 0 „	
	Saffron, Europe ..	16 0 per lb.	
	„ Meadow, Soorunjun ...	10 0 per cwt.	
	„ Persian ..	12 0 per lb.	
	„ In cakes or lumps ...	5 0 „	
	Sapan Wood and Root ...	3 8 per cwt.	
	Aniline Dyes ...	0 8 per oz.	
	All other sorts ...	*Ad valorem.*	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No	Description of Article	Value on which Duty is assessed	Rate of Duty
		Rs. A	
14	Fireworks—		
	China	30 0 per box of 133⅓ lbs.	Seven and a half per cent.
	Other sorts ...	*Ad valorem.*	
15	Flax, Manufactures of—		
	Piece Goods	*Ad valorem.*	Five per cent.
	Other sorts, including linen thread	*Ad valorem*	Seven and a half per cent.
16	Fruits and Vegetables—		
	Almonds, without shell	25 0 per cwt	
	„ with shell	10 0 „	
	Cajoo kernels ..	10 0 „	
	Cocoanuts	30 0 per thousand	
	„ kernel (Copra)	9 8 per cwt	
	Currants, Europe	35 0 „	
	„ Persian	12 0 „	
	Dates, dry, in bags .	4 0 „	
	„ wet, in bags ...	3 0 „	
	„ „ in pots ..	6 0 „	
	Figs, Europe ..	42 0 „	
	„ Persian, dried ..	6 0 „	
	Garlic	4 0 „	
	Pistachio Nuts	14 0 „	
	Prunes, Bussorah	12 0 „	
	Raisins, Black, Persian Gulf, Red Sea, and Khismis	12 0 „	
	„ Monocka, Persian Gulf and Red Sea .	7 0 „	
	„ Malaga and Bloom	0 10 per lb.	
	„ Other sorts .	*Ad valorem*	
	Walnuts, Akroot	5 0 per cwt	
	Mangoes, dried ..	*Ad valorem*	
	Prunes, Europe	*Ad valorem.*	
	Other sorts, except Bidmiskh and Buzarbuttoo Nuts which are free ...	*Ad valorem*	
17	Glass and Glass-ware—		
	Bangles, Glass, China, Gilt ..	10 0 per 100 pairs	
	„ not Gilt	5 0 „	
	Glass, Broken .	5 0 per cwt	
	„ China, of all colours ..	32 0 per 133⅓ lbs.	
	„ Crown, coloured	32 0 per 100 supl feet.	
	„ „ of sizes	5 0 per 100 supl feet	
	Glass and Glass-ware of all other sorts, except Bottles, which are free	*Ad valorem*	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
18	Gums—		
	Gum, Ammoniac ...	10 0 per cwt.	
	„ Arabic ...	16 0 „	
	„ Bdellium, common Gum	5 0 „	
	„ Benjamin ...	33 0 „	
	„ Bysabole, coarse Myrrh...	12 0 „	
	„ Copal ...	65 0 „	
	„ Frankincense or Olebanum	9 0 „	
	„ Gambier (or Kino) ...	8 0 „	
	„ Myrrh ...	24 0 „	
	„ Persian (false) ...	3 0 „	
	„ Rosin ...	12 0 „	
	All other sorts ...	*Ad valorem.*	
19	Groceries not otherwise described ...	*Ad valorem.*	
20	Hides and Skins—		
	Border Hides, prepared ...	30 0 each.	
	Buffalo Hides, Country, Tanned	80 0 per score.	
	Calf Skins ...	40 0 per dozen.	
	Chamois Skins ...	6 0 „	
	Cow Hides, Country, Tanned ...	60 0 per score.	
	Rhinoceros Leather ...	40 0 per cwt.	
	Other sorts ...	*Ad valorem.*	
21	Instruments, Musical ...	*Ad valorem.*	Seven and a half per cent.
22	Ivory and Ivory-ware—		
	Elephants' Grinders ...	16 0 per cwt.	
	Tusks above twenty lbs. ...	300 0 „	
	Tusks ten lbs. and not exceeding twenty lbs. ...	225 0 „	
	Tusks under ten lbs. ...	125 0 „	
	Sea Cow or Moye Teeth, three lbs. and upwards ...	225 0 „	
	Sea Cow or Moye Teeth, under three lbs. ...	75 0 „	
	Ivory, Manufactures of ...	*Ad valorem.*	
23	Jewellery, including Plate—		
	Silver-ware, plain ...	1 6 per tolah.	
	„ embossed ...	2 0 „	
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free ...	*Ad valorem.*	
24	Leather and Manufactures of—		
	Leather ...	*Ad valorem.*	
	Boots and Shoes		
	Harness and Saddlery		
	Other sorts ...		

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
25	Liquor—	Rs. A.	
	Ale, Beer and Porter Cider and other fermented Liquors ...	.....	One anna per Imperial Gallon.
	Spirits	.....	Three Rupees the Imperial Gallon, and the duty to be rateably increased as the strength exceeds London Proof. Provided that ten per cent. *ad valorem* shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such Rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage and incapable of being converted to that purpose. And the officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.
	Wines—		
	Champagnes, Sparkling Wines and Liqueurs ...	.....	1-8 per Impl. Gal. or 6 Qt. Bottles.
	All other sorts ...	.....	1-0 per ditto.
26	Matches—		
	Lucifer and all other sorts ...	*Ad valorem.*	Seven and a half per cent.
27	Mats, Floor Matting, China of all sorts ..	50 0 per hundred.	
28	Metals, Unwrought; Wrought and Manufactures of—		
	Brass Beads, Googree, China ...	0 12 per thousand.	
	„ Old ...	35 0 per cwt.	
	„ Sheets, rolls very thin ...	80 0 „	
	Copper, Australian Cake ...	41 0 „	
	„ Bolt ...	43 0 „	
	„ Brazier's ...	43 0 „	
	„ China Cash ...	28 0 „	
	„ Japan ...	41 0 „	
	„ Nails and Composition Nails ...	43 0 „	
	„ Old ...	40 0 „	
	„ Pigs and Slabs, Foreign	38 0 „	
	„ Sheet, Sheathing and Plate ...	43 0 „	
	„ Tiles, Ingots, Cakes and Bricks ...	40 0 „	
	„ China, White Copperware ...	1 4 per lb.	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
	Metals, &c.—*continued.*		
	Copper, Foil Dauk-pana, China...	3 0 per book of 100 leaves.	Seven and a half per cent.
	" " " Europe	4 0 "	
	All other kinds ...	*Ad valorem.*	
	Iron, Angle and T Iron ...	*Ad valorem.*	One per cent.
	" Beams, Pillars, Girders and Bridge-work ...	*Ad valorem.*	
	" Flat, Square and Bolt, including Scotch ...	80 0 per ton.	
	" Hoop, Plate and Sheet ...	100 0 "	
	" Nails, Rivets and Washers	10 0 per cwt.	
	" Nail Rod ...	90 0 per ton.	
	" Old ...	2 8 per cwt.	
	" Pig ...	40 0 per ton.	
	" Rod, Round, British, under half inch diameter ...	105 0 "	
	" Rod, Round, British, exceeding half inch diameter ...	80 0 "	
	" Swedish, Flat and Square	120 0 "	
	" Rice Bowls ...	3 0 per set of ten.	
	" " " ...	1 8 per set of six.	
	" Galvanised ...	*Ad valorem.*	
	" Other sorts, except Anchors, Cables and Kentledge, which are free ...	*Ad valorem.*	Seven and a half per cent.
	Lametta, Double reels ...	4 8 per score.	
	" Single " ...	2 4 "	
	Lead, Pig ...	10 0 per cwt.	
	" Pipes ...	13 8 "	
	" " tinned ...	16 0 "	
	" Sheets (other than thin Sheets for Tea Canisters, which are free) ...	12 0 "	
	Ore Galena ...	13 0 "	
	Gold leaf, Europe ...	4 0 per 100 leaves.	
	Mock Gold leaf ...	5 0 per 20 books.	
	Orsidue or Brass Leaves, foreign Europe ...	1 4 per lb.	
	" China ...	0 12 "	
	Patent or Yellow Metals, Sheathing and Sheets and Bolts	35 0 per cwt.	
	" ditto old ...	30 0 "	
	Quicksilver ...	1 0 per lb.	
	Shot, Bird ...	15 0 per cwt.	
	Spelter Nails ...	17 8 "	
	" Plate and other shapes ...	11 0 "	
	" Sheet or Zinc Sheathing...	15 0 "	
	Steel, blistered ...	9 0 "	
	" British ...	9 0 "	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A	
	Metals, &c.—*continued.*		
	Steel, Cast ...	25 0 per cwt.	Seven and a half per cent.
	„ Spring ...	10 0 „	
	„ Swedish ...	10 0 „	
	Tin, Block ...	45 0 „	
	„ Plates ...	12 8 „	
	Wire, Brass .	0 8 per lb.	
	„ Common Iron, Nos. 1 to 40	9 8 per cwt.	
	„ Copper	0 10 per lb.	
	Other sorts, including Hardware, Ironmongery, and Cutlery, but excluding Machinery, the component parts thereof, and Agricultural Implements, which are free	*Ad valorem.*	
29	Naval Stores—		
	Cables, Coir, tarred	10 0 per cwt.	Seven and a half per cent.
	Canvas, Country, Cotton ...	50 0 „	Five per cent.
	„ Europe, Sail, not exceeding forty yards	15 0 per bolt.	
	Coir, Rope, Maldive & Laccadive	10 0 per cwt.	Seven and a half per cent.
	„ Yarn of all kinds .	9 0 „	
	Cordage, Hemp, Europe .	18 0 „	
	„ Manilla	20 0 „	
	Dammer „ .	5 0 „	
	Pitch, American and Europe	13 0 per barrel not exceeding three cwt. and *pro rata* above and below.	
	„ Coal ...	4 8	
	Tar, American ...	13 0 Ditto ditto.	
	„ Coal	6 8	
	„ Swedish and Archangel ...	14 0	
	Twine, Europe, Sail	0 8 per lb.	
	All other sorts, except Oakum, which is free ...	*Ad valorem.*	
30	Oils—		
	Cardamom ...	10 0 per lb.	
	Cassia ..	4 0 „	
	Cinnamon, Ceylon ...	10 0 „	
	Cocoanut ..	20 0 per cwt.	
	Earth ..	10 0 „	
	Grass .	2 0 per lb.	
	Jingelee or Teel ...	20 0 per cwt.	
	Kerosine, Paraffine, Petroleum, Rock and Shale Oils of all descriptions .	1 12 per Impl. gal.	

SCHEDULE A.

IMPORT TARIFF—*continued*

No	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	Oils—*continued*	Rs, A	
	Linseed, Country	18 0 per cwt.	Seven and a half per cent.
	" Europe	2 4 per Impl gal.	
	Naphtha ..	30 0 per cwt.	
	Otto, of sorts	20 0 per ounce.	
	Sandalwood	8 0 per lb.	
	Sorrel ...	20 0 per cwt	
	Turpentine	2 0 per Impl. gal.	
	Whale and Fish .	15 0 per cwt	
	Wood	15 0 "	
	All other sorts, except Cocum and Slush Fat, which are free	*Ad valorem*	
31	Oil and Floor Cloth	*Ad valorem*	Five per cent.
32	Paints, Colours and Painter's Materials—		Seven and a half per cent.
	Ochre, all Colours	3 0 per cwt	
	Paints of sorts	12 0 "	
	Composition Paint and Patent Driers ..	30 0 "	
	Prussian Blue, China	0 8 per lb	
	" " Europe ...	1 8 "	
	Red Lead	14 0 per cwt	
	Turpentine ...	2 0 per Impl. gal.	
	Verdigris	75 0 per cwt.	
	Vermillion, Canton	80 0 per box of 90 bundles.	
	" Macao	30 0	
	White Lead	12 0 per cwt.	
	All other sorts, including Brushes	*Ad valorem.*	
33	Perfumery—		
	Atary, Persian ...	15 0 per cwt	
	Rose flowers, dried	10 0 "	
	Rose Water ...	1 12 per Impl. gal	
	All other sorts	*Ad valorem.*	
34	Photographic Apparatus and Materials	*Ad valorem.*	
35	Piece Goods, not otherwise described ...	*Ad valorem.*	Five per cent.
36	Porcelain and Earthen-ware ..	*Ad valorem.*	Seven and a half per cent.
37	Provisions and Oilman's Stores—		
	Bacon in Canisters, Jowls and Cheeks .	0 9 per lb	
	Beef ...	60 0 per tierce of three cwt.	
		40 0 per brl. of two cwt	
	Cheese	0 10 per lb.	
	Fish Maws	50 0 per cwt.	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs A.	
	Provisions and Oilman's Stores —*continued.*		
	Fish Sozille and Singally, small	6 0 per cwt.	Seven and a half per cent.
	Flour ...	25 0 per barrel or sack of 200 lbs	
	Ghee	36 0 per cwt.	
	Hams	0 8 per lb.	
	Pork ...	50 0 per tierce of three cwt., and 34 0 per barrel of two cwt.	
	Shark fins	20 0 per cwt.	
	Tongues, salted	10 0 per keg of six.	
	Vinegar in wood, Europe	1 8 per Impl. gal.	
	" " Persian ...	0 12 "	
	" " Country	0 6 "	
	All other sorts, except Biche de mer, Butter and salted Fish, which are free .	*Ad valorem*	
38	Railway Materials—		
	Of Iron	*Ad valorem.*	One per cent.
	Steel rails	*Ad valorem.*	
	Other sorts ...	*Ad valorem.*	Seven and a half per cent.
39	Rattans and Canes—		
	Canes, Malacca ...	1 0 per dozen.	
	Rattans ...	7 0 per cwt.	
	All other sorts ...	*Ad valorem.*	
40	Seeds—		
	Anchuchuck ..	10 0 per cwt	
	Anise, Europe ..	28 0 "	
	Assalia ...	7 0 "	
	Cajoo	3 0 "	
	Castor .	4 8 "	
	Cummin ...	12 0 "	
	" Black	5 0 "	
	Esubgool	5 0 "	
	Linseed ...	5 0 "	
	Methee	5 0 "	
	Mustard ...	4 8 "	
	Quince Seed or Badana	50 0 "	
	Rape or Sursee ...	4 8 "	
	Sawjeerah ...	25 0 "	
	Tookmeria	7 0 "	
	All other sorts, excepting Seeds imported by any Public Society for gratuitous distribution, which are free ...	*Ad valorem.*	

SCHEDULE A.

IMPORT TARIFF—*continued*

No.	Description of Article	Value on which Duty is assessed	Rate of Duty.
		Rs. A.	
41	Shells—		
	Chanks, "large shells," for Cameos	10 0 per hundred	Seven and a half per cent.
	" White live ..	6 0 "	
	" " dead ...	3 0 "	
	Cowdas, Mozambique and Zanzibar	3 0 "	
	" from other places ..	0 8 "	
	Cowries—		
	Bazar, common	4 0 per cwt	
	Maldive	16 0 "	
	Sunkley .	40 0 "	
	Yellow, superior quality .	8 0 "	
	Mother o'Pearl	8 0 "	
	Tortoise Shell	6 0 per ℔.	
	" Nuck ..	1 0 "	
	Nuckla and other sorts	*Ad valorem.*	
42	Silk—		
	Floss	8 0 per ℔	
	Raw Charon and Cochin-China	4 0 "	
	" Mathow .	1 12 "	
	" other kinds of China ...	7 0 "	
	" Persian	5 0 "	
	" Punjum and Cutchra	1 12 "	
	" Siam	4 0 "	
	Sewing Thread, China	8 0 "	
	Other sorts	*Ad valorem*	
	Silk Piece Goods of sorts	*Ad valorem.*	Five per cent.
43	Soap ..	*Ad valorem*	Seven and a half per cent.
44	Spices—		
	Aloe Wood	3 0 per ℔.	
	Aniseed Star	40 0 per cwt.	
	Betelnut, white, Sheverdhun	18 0 "	
	" all other kinds	7 0 "	
	" in husk ...	2 0 per thousand.	
	Cassia Buds, Nagkessur, China	0 8 per ℔.	
	Chillies, dried ..	8 0 per cwt.	
	Cloves	12 0 "	
	" in seeds, Nurlavung .	8 0 "	
	Mace	0 9 per ℔.	
	" false	10 0 per cwt.	
	Nutmegs ...	0 10 per ℔.	
	" in shell .	0 6 "	
	" wild ...	12 0 per cwt.	
	Pepper, Black and Long ...	14 0 "	
	" White .	25 0 "	
	All other kinds	*Ad valorem.*	
45	Stationery other than Paper	*Ad valorem.*	

SCHEDULE A

IMPORT TARIFF—*concluded.*

No.	Description of Article	Value on which Duty is assessed.	Rate of Duty.
		Rs A.	
46	Sugar and Sugar-Candy—		Seven and a half per cent
	Sugar-Candy, China ..	20 0 per cwt	
	„ Loaf .	23 0 „	
	„ Soft	12 0 „	
	All other sorts of Saccharine produce	*Ad valorem*	
47	Tea	1 0 per lb	
48	Timber and Woods—		
	Manufactures of, including also Pipes, Staves and Casks	*Ad valorem*	
49	Tobacco—		Ten per cent.
	Manufactured ..	*Ad valorem.*	
	Unmanufactured	*Ad valorem.*	
	Articles, such as pipes, &c, used in consumption of .	*Ad valorem.*	Seven and a half per cent
50	Toys and Requisites for all Games ...	*Ad valorem.*	
51	Umbrellas—		
	Cotton, Steel Ribs	0 13 each.	
	„ Cane Ribs	0 11 „	
	„ China Paper Kettisals	45 0 per box of 110	
	All other sorts	*Ad valorem*	
52	Woollen Goods—		
	Piece Goods	*Ad valorem.*	Five per cent.
	Braid Other sorts ...	*Ad valorem.*	Seven and a half per cent.

SCHEDULE B.

EXPORT TARIFF.

No	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A	
1	Indigo ...		Three rupees per maund.
2	Grain of all sorts	.....	Three annas per maund.
3	Lac—		
	Button .	28 0 per cwt.	Four per cent.
	Dye ..	45 0 „	
	Seed	20 0 „	
	Shell	28 0 „	
	Stick ...	16 0 „	
	Other sorts	*Ad valorem.*	
4	Oils—		
	Castor ..	16 0 per cwt.	Three per cent.
	Cocoanut	20 0 „	
	Fish	15 0 „	
	Grass ...	2 0 per lb.	
	Jingeely or Teel	20 0 per cwt.	
	Linseed	18 0 „	
	Mhowa	12 0 „	
	Mustard	16 0 „	
	Poppy ...	20 0 „	
	Rape or Sursee	16 0 „	
	Sandalwood	8 0 per lb.	
	Other sorts .	*Ad valorem.*	
5	Seeds—		
	Castor Seed (Erundee)	4 8 per cwt.	
	Coriander Seed .	4 0 „	
	Cummin Seed .	12 0 „	
	„ Black (Calecjeera)	5 0 „	
	Gound Nuts, with shell ..	5 0 „	
	„ without shell ...	6 0 „	
	Jingeely or Teel Seed ..	6 0 „	
	Linseed ...	5 0 „	
	Methee Seed ..	5 0 „	
	Mustard Seed	4 8 „	
	Poppy Seed .	5 8 „	
	Rape or Sursee Seed ...	4 8 „	
	Other sorts .	*Ad valorem.*	
6	Cotton Goods—		
	Piece Goods—		
	Baftahs ...	30 0 per score.	
	Gurrah	20 0 „	
	Khurwah	25 0 „	
	Mamoodie ...	32 0 „	
	Mirzapore Chintz .	15 0 „	

SCHEDULE B.

EXPORT TARIFF—*concluded.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
	Cotton Goods—*continued.*		
	Piece Goods—*continued.*		
	Patna	30 0 per score.	Three per cent.
	Shans ..	40 0 "	
	Tunjeeb, Oudh .	26 0 "	
	Other sorts ...	*Ad valorem.*	
	Twist, Country, No. 10 ...	0 7 per ℔.	
	" " No. 20 ...	0 9 "	
	" " No. 30 ...	0 10 "	
	" Hand Spun ..	0 5 "	
	All other kinds of Cotton Goods	*Ad valorem.*	
7	Hides and Skins, Tanned—		
	Hides—		
	Buffaloe, Country, tanned ..	70 0 per score.	
	Cow " .	50 0 "	
	Skins		
	Goat and Sheep ...	10 0 "	
	Lamb ..	5 0 "	
	Any other sorts of Hides and Skins ...	*Ad valorem.*	
8	Spices—		
	Aloe Wood ...	3 0 per ℔.	
	Betelnut in husk ..	2 0 per 1,000.	
	Cardamoms ...	200 0 per cwt.	
	" large, bastard .	40 0 "	
	Chillies, dried ...	8 0 "	
	Ginger, dry (rough) Malabar ...	10 0 "	
	" " " Bengal ..	7 0 "	
	" (scraped) ..	15 0 "	
	Pepper ...	15 0 "	
	Turmeric ...	5 0 "	
	All other sorts ...	*Ad valorem.*	

Office Supdt. Govt. Printing—No 177, L. C.—3-5 70.—3,000

ACT No. XVIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th July 1870).

An Act to enable the Government of India to exempt goods from Customs duties.

FOR the purpose of enabling the Governor General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows: — Preamble.

1. The said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under the Indian Customs Duties' Act, 1870, or any other law for the time being in force relating to such duties, Power to exempt from customs duties.

and may, by like notification, cancel any such exemption. Power to cancel exemption.

[*Price one anna.*]

Office Supdt. Govt. Printing.—No 2186 L. C.—14-7-70.—2,600.

ACT No. XIX of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th July 1870).

An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Preamble.

WHEREAS section thirteen of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorize such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows:—

Amendment of Act IV of 1862, section 13.

1. The said section shall be construed as if, after the words "nine Directors," the words "of whom three shall be a quorum and" were inserted.

Validation of acts of Directors.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

[*Price one anna.*]

Office Supdt. Govt. Printing.—No. 1570 L. C.—11-11-70.—2,500.

ACT No. XX OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th July 1870).

An Act to correct two clerical errors in the Court Fees' Act, 1870.

FOR the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows:— Preamble.

1. Section fifteen of the said Act shall be read as if, for the words "plaint or memorandum of appeal," the word "application" were substituted; and in schedule I to the said Act annexed, Number two shall be read as if the words 'or memorandum of appeal' were omitted therefrom. Corrections of Act VII of 1870, section 15, and schedule I, No 2.

[*Price one anna.*]

Office Supdt Govt Printing — No. 2188 L C.—14-7-70 —4,000

ACT No. XXI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 19th July 1870).

An Act to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.

Preamble.

WHEREAS it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Hindú Wills' Act, 1870."

Certain portions of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

2. The following portions of the Indian Succession Act, 1865, namely,—

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, and

Parts

[*Price one anna.*]

Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply—

Extent of Act.

(*a*) to all wills and codicils made by any Hindú, Jaina, Sikh or Buddhist, on or after the first day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(*b*) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits:

Provison

3. Provided that marriage shall not revoke any such will or codicil:

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance of which, but for section two of this Act, he could not deprive them by will:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*:

And that nothing herein contained shall affect any law of adoption or intestate succession:

And that nothing herein contained shall authorise any Hindú, Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

Partial repeal of Bengal Regulation V of 1799, section 2.

4. On and from that day, section two of Bengal Regulation V of 1799 shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction of a District Court in the territories subject to the Lieutenant Governor of Bengal.

5. Nothing

5. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay, respectively.

Saving of rights of Administrator General.

6. In this Act and in the said sections ~~and Parts~~ of the Indian Succession Act, all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively:

Interpretation-clause.

And in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son:

And in making grants under this Act, of letters of administration with the will annexed or with a copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills' Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills' Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills' Act had not been passed" were added thereto, respectively.

Office Supdt. Govt. Printing—No. 2464 L C.—28-7-70.—4,000.

ACT No. XXII OF 1870.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 30th August* 1870).

An Act to confirm certain laws affecting European British subjects.

Preamble.

WHEREAS the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council, have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts, it is hereby enacted as follows:—

Confirmation of local Acts so far as regards European British subjects.

1. Every such Act passed by the Governor of the Presidency of Madras in Council, or by the Governor of the Presidency of Bombay in Council, or by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Acts conferring summary jurisdiction over offences to apply to European British subjects.

2. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over offences, shall be deemed to apply

[*Price one anna.*]

apply to European British subjects, although such persons be not expressly referred to therein.

Amendment of Act No. XVIII of 1859, sections 1, 2 and 4.

3. Act No. XVIII of 1859 *(to amend the law relating to offences declared to be punishable on conviction before a Magistrate)* shall be construed as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

Saving of limits of Magistrates' ordinary jurisdiction.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

5. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

Office Supdt. Govt. Printing —No. 50 L. D.—7-1-74.—500.

THE INDIAN COINAGE ACT, 1870.

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[*Price two annas.*]

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ACT No. XXIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th September 1870).

An Act to consolidate and amend the law relating to Coinage and the Mint.

WHEREAS it is expedient to consolidate and amend the law relating to Coinage and the Mint; It is hereby enacted as follows :— Preamble.

I.—Preliminary.

1. This Act may be called "The Indian Coinage Act, 1870." Short title.

2. The Regulations and Acts mentioned in the schedule hereto annexed are repealed. Repeal of enactments.

3. In this Act, the expression 'Mint' includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council, by notification in the *Gazette of India*, from time to time directs; Interpretation-clause.

the expression 'Mint-rules' means such rules as the Governor General in Council from time to time prescribes for the management of the Mint;

and the expression 'remedy' means variation from the standard weight and fineness.

II.—Gold Coinage.

4. The under-mentioned gold coins only shall be coined at the Mint :— Gold coins.

(1.)—A gold mohur or fifteen-rupee piece.

(2.)—A five-rupee piece equal to a third of a gold mohur.

(3.)—A ten-rupee piece equal to two-thirds of a gold mohur.

(4.)—A

(4.)—A thirty-rupee piece or a double gold mohur.

Their standard weight and fineness.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows :—eleven-twelfths, or one hundred and sixty-five grains, of fine gold, and one-twelfth, or fifteen grains, of alloy.

The other gold coins shall be of proportionate weight and of the same fineness :

Remedy allowed.

Provided that, in the making of gold coins, a remedy shall be allowed of an amount not exceeding two thousandths in weight and two thousandths in fineness.

III.—Silver Coinage.

Silver coins.

6. The under-mentioned silver coins only shall be coined at the Mint :—

(1.)—A rupee to be called the Government Rupee.

(2.)—A half rupee.

(3.)—A quarter rupee, or four-anna piece.

(4.)—An eighth of a rupee, or two-anna piece.

Their standard weight and fineness.

7. The standard weight of the Government Rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows :—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy.

The other silver coins shall be of proportionate weight and of the same fineness :

Remedy allowed

Provided that, in the making of silver coins, a remedy shall be allowed of an amount not exceeding the following :—

	Remedy in weight.	Remedy in fineness.
Rupee ...	Five thousandths	Two thousandths.
Half rupee		
Quarter rupee	Seven thousandths	Three thousandths.
Eighth of a rupee ..	Ten thousandths	

IV.—Copper

IV.—Copper Coinage.

8. The under-mentioned copper coins only shall be coined at the Mint:— Copper coins.

(1.)—A double pice, or half anna.

(2.)—A pice, or quarter anna.

(3.)—A half pice, or one-eighth of an anna.

(4.)—A pie, being one-third of a pice, or one-twelfth of an anna.

9. The weight of the double pice shall be two hundred grains Troy. Their weight.

The other copper coins shall be of proportionate weight:

Provided that, in the making of copper coins, a remedy shall be allowed of an amount not exceeding one-fortieth in weight. Remedy allowed

V.—Devices on Coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embellishments on each coin as the Governor General in Council from time to time determines. Present devices on coins.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe, in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit. Power to order other devices.

VI.—Legal Tender.

12. No gold coin shall be a legal tender in payment or on account. Gold coin not a legal tender.

13. The said rupee and half rupee shall be a legal tender in payment or on account: Rupees and half rupees a legal tender.

Provided that the coin has not lost more than two per cent. in weight:

Provided

Provided also that it has not been clipped or filed, or defaced or diminished, otherwise than by use.

Four-anna and two anna pieces.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

Copper coin when a legal tender.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna;

the pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

Coin made under former Acts.

15. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

VII.—Diminished, Counterfeit, and Called-in Coin.

Cutting certain silver coins.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent in weight,

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or

or to be called-in by any proclamation,

he may, by himself or another,

(subject to the rules which the Governor General in Council prescribes in this behalf),

cut or break such coin.

17. If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking. Return of cut coin

But if it has been coined and issued by the authority of the Government of India, and has lost by reasonable wearing more than two per cent. in weight, or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola. Receipt of cut coin.

18. All public servants are hereby indemnified for anything done heretofore, which they might lawfully have done if this Act had been in force, and if they had been authorized under section sixteen, and no suit or other proceeding shall be maintained against any such person in respect of anything so done. Indemnification of public servants

No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act. Bar of suits for acts done *bonâ fide*

VIII.—Coinage of Bullion.

19 Subject to the Mint-rules for the time being in force, the Mint Master shall receive all gold and silver bullion and coin brought to the Mint: Receipt of gold and silver bullion and coin

Provided that such bullion and coin be fit for coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold, than fifty tolas, and, in the case of silver, than one thousand tolas.

20. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint-rules. Duty on produce of gold bullion

21. All

Duty on produce of silver bullion.

21. All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint-rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Charge for melting and cutting bullion

22. A charge of one-fourth per mille on gold bullion and coin, and of one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint.

Charge for refining

23. All gold and silver bullion and coin brought to the Mint for coinage and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining as the Governor General in Council prescribes in this behalf.

Certificate for produce of bullion

24. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

Withdrawal of bullion

25. The proprietor of any bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may, within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Payment for gold bullion

26. For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in British India.

IX.—Power

IX.—Power to make Rules.

27. The Governor General in Council may, from time to time,

Rules as to officers and management of the Mint.

(1) fix the number and duties of the officers of, and persons employed in, the Mint:

(2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

28. The Governor General in Council may also, from time to time, by notification in the *Gazette of India*,—

Rules by notification.

(1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin:

(2) determine in the case of any coin the date and embellishments to be put thereon:

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned:

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen:

(5) prescribe the charge to be made on account of the loss and expense of refining:

(6) determine the period for which certificates granted under section twenty-four shall run:

(7) fix the fee payable under section twenty-five:

(8) establish a Mint at any place in British India, other than Calcutta and Bombay:

(9) abolish any Mint so established or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act:

(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

SCHEDULE.

SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II of 1812.	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Recoinage of Rupees and other Coins, with certain Exceptions, at the Mints established at Calcutta, Furruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the Coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1817	A Regulation for amending certain Parts of Regulation II, 1812.
Bengal Regulation XIV of 1818	A Regulation for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain Parts of the Rules in force in regard to the Conduct of the Business of the Mints subordinate to this Presidency.
Act No. XVII of 1835 ...	Gold and Silver coinage.
Act No. XIII of 1862 ...	An Act to provide for a new Silver and a new Copper Coinage.

Office Supdt. Govt Printing —No. 3492 L C —26 9-70 —3,000.

ACT No. XXIV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th September 1870.)

An Act to relieve from incumbrances the estates of Taluqdárs in Oudh.

Preamble.

WHEREAS many of the taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Oudh Taluqdárs' Relief Act."

Interpretation-clause.

2. In this Act—

'Chief Commissioner' means the Chief Commissioner of Oudh:

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight:

'heir' means the person for the time being entitled under the same Act as heir to a taluqdár.

II.—VESTING ORDER.

Power to vest management of taluqdár's property in an officer appointed by Chief Commissioner.

3. Whenever, within twelve months after the passing of this Act, any taluqdár,

or (when such taluqdár is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or the person who would be heir to such taluqdár if he died intestate,

or (when such person is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

applies

[*Price two annas.*]

applies in writing to the Chief Commissioner, stating that the taluqdár is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager), and vest in him the management of the immoveable property of or to which the taluqdár is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Effect of order.

4. On such publication, the following consequences shall ensue:—

Bar of suits against taluqdár.

first, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdár freed from arrest,

secondly, so long as such management continues,

the taluqdár and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government;

and his moveable property from attachment for prior debts

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and

Cessation of his power to alienate

thirdly, so long as such management continues,

(a) the taluqdár and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

Immoveable property freed from attachment.

and *(b)* such property shall be exempt from attachment or sale under such process as aforesaid,

except

except for or in respect of debts due, or liabilities incurred, to Government.

III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

Manager to receive rents and profits,

From the sums so received, he shall pay—

first, the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property:

and pay therefrom the Government demand,

secondly, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdár, his heir and their families:

an annual sum for maintenance of the taluqdár and his heir,

thirdly, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner:

costs of repairs and improvements,

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdár and his heir and their immoveable property, as may be established under the provisions hereinafter contained.

costs of management, and the debts and liabilities.

IV.—Settlement of Debts.

6. On the publication of the order vesting in him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdú, calling upon all persons having claims against the taluqdár or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

Notice to claimants against taluqdár.

He shall also cause copies of such notice to be exhibited at the Tahsíldárs' Kachahrís in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

Copies of notice to be exhibited.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Documents to be given up.

If

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Debt or liability not duly notified, to be barred.

8. Every debt or liability (other than debts due, or liabilities incurred, to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provision for admission of claim within further period of nine months.

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

Determination of debts and liabilities.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges or liens on the said property or any part thereof.

Appeal.

10. An appeal against any refusal, admission or determination under sections seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager if no such appeal has been so preferred, shall be final.

Scheme for settlement of debts and liabilities.

11. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved

approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

Power to return scheme for revision.

12. When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdár or his heir,

the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Restoration of taluqdár to his property.

Where the taluqdár or his heir is so restored under the circumstances mentioned in the second clause of this section, the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight, shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated unless his claim under the mortgage has been satisfied;

Revival of barred proceedings and debts.

and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

V.—Powers of Manager.

13. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion

Power to call for further particulars.

discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to summon witnesses and compel production of documents.

14. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Power to administer oaths.

15. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

Investigation to be deemed a judicial proceeding.

16. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Statements of persons examined, to be evidence.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Manager to have powers of a taluqdár.

17. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the taluqdár would have had for such purpose if this Act had not been passed.

Power to remove mortgagee in possession.

And if such property, or any part thereof, be in the possession of any mortgagee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

Power to lease.

18. Subject to the rules made under section twenty, the Manager shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession,

possession, in consdieration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

19. The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, Power to raise money by mortgage or sale.

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised.

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof. Manager's receipts.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

VI.—Miscellaneous.

20. The Chief Commissioner may, from time to time, make rules consistent with this Act in all matters connected with its enforcement. Power to make rules.

Such rules, when approved by the Governor General of India in Council, and published in the local official Gazette, shall have the force of law.

21. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the Power to appoint new Managers.

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stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

Managers to be public servants.

22. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Bar of suits.

23. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Petitions, &c., under Act exempt from Court fees.

24. No petition, application, memorandum of appeal or other proceeding under this Act, shall be chargeable under the Court Fees Act, 1870.

Saving of jurisdiction of Courts in Oudh in respect of certain suits

25. Nothing in this Act precludes the Courts of the Province of Oudh, having jurisdiction in suits relating to the succession to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

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ACT No. XXV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October 1870).

An Act to legalize the levy of certain duties on timber imported into Maulmain.

WHEREAS certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows :— Preamble.

1. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law. Legalization of levy of duties.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done. Indemnity-clause.

[*Price one anna*].

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THE PRISONS' ACT, 1870.

ARRANGEMENT OF SECTIONS.

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16. To

[*Price two annas.*]

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ACT No. XXVI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October 1870).

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces, ~~and British Burma~~, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Prisons' Act, 1870." Short title.

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma. Local extent.

And it shall come into force on the first day of December 1870. Commencement of Act.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule. Repeal of enactments.

3. In this Act— Interpretation-clause.

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison; "Prison."

"criminal

"Criminal prisoner"

"criminal prisoner" means any prisoner charged with or convicted of a crime;

"Civil prisoner"

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation

4. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary. Officers of prison

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer. Appointment of officers.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as (~~subject to the approval of the Governor General of India in Council~~) the Local Government directs; and may be suspended or dismissed by the authority appointing him: Salaries, suspension and dismissal of officers

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.

Duties of Officers.

Generally.

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him. Officers to obey Superintendent

11. No

Officers not to sell or let to prisoners

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners,

nor to benefit by sales.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease:

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send to the Inspector General returns of all prisoners sentenced to transportation:

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

Power to make rules as to Medical Officer's duties

14. The Local Government shall make rules as to each of the following matters:—

how often the Medical Officer shall visit the prison and see each prisoner:

the

the records to be made respecting sick prisoners:

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation:

reports on the provisions, water, clothing and bedding supplied to the prisoners.

The Medical Officer shall obey such rules.

Medical Officer to obey such rules.

15. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

To report special cases.

16. On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely,—

To make entries as to death of prisoners.

when the deceased was taken ill,

when the Medical Officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

17. Where a Deputy Medical Officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer.

Deputy Medical Officer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a Subordinate Medical Officer to act as a substitute for the Medical Officer, and the Subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

Subordinate Medical Officer.

Gaoler.

18. The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

Residence of Gaoler.

elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners confined in punishment-cells

19. The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

To keep enumerated books and accounts.

21. The Gaoler shall keep, or cause to be kept, the following records :—

(1) a register of warrants ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences ;

(4) a visitors' book for the entry of any observations made by visitors to the prison ;

(5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules made under section fifty-four.

Responsible for safe custody of documents.

22. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent ; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

Deputy Gaoler

24. Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the sub-

stitute

stitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Subordinate Officers.

25. The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler. Powers of Gate-Porter.

26. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office. Subordinate officers not to be absent without leave.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be searched on entrance.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add. Medical examination of criminal prisoners.

28. All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler. Effects of criminal prisoners retained.

29. All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. Medical examination before removal and discharge of prisoners.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner

is

is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

Requisitions of Act as to separation of prisoners

30. The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1.)—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.)—Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement

31. The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

Cells to be furnished with means of communication

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the

Gaoler

Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.

Food, Clothing and Bedding of Prisoners.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner may maintain himself.

35. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Civil prisoner not to sell provisions.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Allowance of clothing and bedding.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

Judgment-creditor to defray such allowance.

CHAPTER VII.

Employment of Prisoners.

37. Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

Work and earnings of civil prisoners.

Civil

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Examination by Medical Officer of labouring prisoners.

38. The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

Employment of prisoners sentenced to simple imprisonment.

39. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.

HEALTH OF PRISONERS.

Names of sick prisoners to be reported to Gaoler.

40. The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the officer attending them to the Gaoler.

The

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, Gaoler to report them to Medical Officer.

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

41. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry. Entry of directions by Medical Officer.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided. Infirmaries.

— —

CHAPTER IX.

Visits to and Correspondence of Prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate. Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline. Correspondence of prisoners.

44. The Gaoler may demand the name and address of any visitor to a prisoner; and, when the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor. Power of Gaoler as to visitors.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of

of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

Carrying liquor, tobacco or drugs into prison,

45. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, tobacco or drugs to be sold or used in prison,

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations,

carrying letters into and out of prison,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

abetment of such offences.

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

Notice of penalties to be placed outside prison.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

CHAPTER XI.

PRISON OFFENCES.

List of prison offences.

47. The following acts are declared to be offences against prison discipline:—

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assaults

(2) assault or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing or cutting irons or bars;

(8) idleness or negligence at work by any convicted criminal prisoner;

(9) wilful mismanagement of work by any convicted criminal prisoner;

(10) wilful damage to prison property;

(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison offenders.

48. The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;

(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent thinks

thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan.

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules

51. Every Gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII

CHAPTER XII.

MISCELLANEOUS.

52. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may so confine them.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

53. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent.

Confinement in irons by Gaoler of his own authority.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

54. The Local Government may, from time to time, make rules consistent with this Act,

Power to make supplementary prison rules.

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All

Present rules.

55. All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of Superintendent.

56. All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoint in this behalf.

SCHEDULE.

[*See Section* 2.]

Number and year.	TITLE.	Extent of repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads or other Public works:—also to place the Jail at Allypore, in the Vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments; for the due Support and Regulation of the Establishments of chokeedars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police, and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation XIV, 1816, and for modifying the Rule contained in Section III, Regulation IV, 1816.	The whole.

SCHEDULE *(continued).*

SCHEDULE *(continued)*.

Number and year.	TITLE	Extent of repeal
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal Punishment; for substituting a Fine in certain Cases for a Sentence of Labour, and for the gradual Introduction of a better System of Prison Discipline	So much as has not been repealed.
Act No. XVIII of 1844	For the better control and management of Gaols within the Bengal Presidency.	The whole.

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ACT No. XXVII OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th November 1870).

An Act to amend the Indian Penal Code.

FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:— Preamble.

1. For section thirty-four of the said Code, the following section shall be substituted:—

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone." Liability for act done by several persons in furtherance of common intention.

2. For section forty of the said Code, the following section shall be substituted:—

"40. Except in the chapter and sections mentioned in clauses two and three of this section, the word 'offence' denotes a thing made punishable by this Code. "Offence."

"In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

"And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

3. Section

[*Price two annas.*]

3. Section fifty-six of the said Code shall be rea as if the following proviso were added thereto :—

Proviso as to sentence for term exceeding ten years, but not for life.

"Provided that, where an European or America offender would, but for such Act, be liable to be sen tenced or ordered to be transported for a term exceed ing ten years, but not for life, he shall be liable t be sentenced or ordered to be kept in penal servitud for such term exceeding six years as to the Cour seems fit, but not for life."

4. After section one hundred and twenty-one o the said Code, the following section shall be in serted :—

Conspiracy to commit offences punishable by section 121.

"121A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

"*Explanation.*—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof."

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted :—

Exciting disaffection.

"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

"*Explanation.*—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore,

fore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

6. Section one hundred and thirty-one of the said Code shall be read as if the following Explanation were added thereto:— Addition to section 131.

"*Explanation.*—In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words 'by this Code,' the words 'or the law of England' were inserted. Amendment of sections 194 and 195.

8. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), "or lawfully committed to custody;" Amendment of sections 222 and 223.

and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

9. After section two hundred and twenty-five of the said Code, the following section shall be inserted:—

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both." Escape from custody for failing to furnish security.

10. After section two hundred and ninety-four, and before chapter XV of the Indian Penal Code, the following section shall be inserted:—

"294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. Keeping lottery-office.

"And

"And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto :—

Attempts by life-convicts.

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

12. After section three hundred and four of the same Code, the following section shall be inserted :—

Causing death by negligence.

"304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Application of certain chapters of Penal Code.

13. The following chapters of the same Code, namely, IV (*General Exceptions*), V (*Of Abetment*), and XXIII (*Of Attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said chapters IV and II of V shall apply to offences punishable under the said sections ~~124A and 225A.~~

Order of Local Government necessary to prosecution under section 121A, 124A or 294A.

14. ~~No charge of an offence punishable under any of the said sections 121A, 124A and 294A shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government.~~

Saving of special and local laws.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

Schedule I to be part of schedule to Criminal Procedure Code.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

Repeal of enactments.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

THE

Secs 16/17 & the two Schedules Repealed by Act No X / 2.C / 1872.

THE FIRST SCHEDULE.

(*See section* 16.)

Section.	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A.	Exciting, or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the First Class.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons...	Bailable...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of one thousand rupees.	Any Magistrate.
304 A.	Causing death by negligence.	May arrest without warrant.	Warrant ...	Bailable...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.

THE SECOND SCHEDULE.

(*See section* 17.)

Number and year.	Title.	Extent of repeal.
Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the *East Indies.*	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three to twenty-six (inclusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and ten.
Act No. V of 1844 ...	An Act for the suppression of all lotteries not authorized by Government.	The whole.
Act No. IV of 1867 ...	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.

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ACT No. XXVIII OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th December 1870).

An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

Preamble.

WHEREAS Act No. XXI of 1863 *(to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns)*, section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; And whereas the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows:—

European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

1. Every European British subject charged in the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal jurisdiction.

Act XXI of 1863, section forty-one, repealed as to the Andamans.

2. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

[*Price one anna.*]

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XLIV of 1850, section 1 repealed	"	1
VI of 1851 repealed	"	1
VIII of 1851, section 1 repealed	"	1
V of 1852, section 26 repealed	"	1
XV of 1852, section 14 repealed	"	1
XVI of 1852, sections 10 and 27 repealed	"	1
XIX of 1852, section 1 repealed	"	1
XXIII of 1852, preamble and section 1 repealed... ...	"	1
XXIX of 1852, section 1 repealed	"	1
XI of 1853, section 7 partly repealed	"	1
XX of 1853, section 1 repealed	"	1
V of 1854, section 1 repealed	"	1
VII of 1854, section 24 repealed	"	1
XIII of 1854, section 1 repealed	"	1
XVI of 1854, section 1 repealed	"	1
XVIII of 1854 applied to Railways belonging to or worked by Government	XIII	
XVIII of 1854, section 39 repealed	XIV	1
XXIV of 1854, sections 1 and 2 partly repealed... ..	"	1
XXVII of 1854, section 1 repealed	"	1
XXX of 1854, sections 1 and 12 repealed	"	1
XXXI of 1854, section 1 repealed	"	1
II of 1855, section 17 repealed	"	1
XXII of 1855, section 1, part of section 35 and section 43 repealed	"	1
XXIV of 1855, section 16 repealed	"	1
XXVI of 1855, section 5 partly repealed	"	1
XXVIII of 1855, sections 1, 7 and 8 and schedule repealed ...	"	1
XXXII of 1855, section 1 repealed	"	1
XXXVII of 1855, section 6 repealed	"	1
VIII of 1856, section 1 repealed	"	1
XI of 1856, title and preamble partly repealed	"	1
XII of 1856, section 1 repealed	"	1
XIII of 1856, part of section 1 and the schedule repealed ...	"	1
XX of 1856, section 1 partly repealed ...	"	1
XXI of 1856, sections 1 and 89 repealed	"	1
III of 1857, sections 1 and 22 repealed	"	1
IV of 1857, section 1 and part of section 5 repealed ...	"	1
VI of 1857 repealed	X	2
X of 1857, section 1 partly repealed	XIV	1
XIII of 1857, section 1 repealed	"	1
XXIX of 1857, section 1 repealed	"	1
XXX of 1857, section 7 partly repealed	"	1
XXXI of 1857, section 6 partly repealed	"	1
XXXIV of 1857, section 1 repealed	"	1
XXXV of 1857, section 5 partly repealed	"	1
II of 1858, section 5 and part of section 6 repealed ...	"	1
III of 1858, section 1 repealed	"	1
VIII of 1858, section 7 and part of section 8 repealed ...	"	1
XV of 1858, section 6 partly repealed	"	1

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	Act.	Sec.
Act XXI of 1858 repealed	XII	3
XXVIII of 1858, section 11 repealed	XIV	1
XXXV of 1858, section 1 repealed ...	,,	1
XL of 1858, section 1 repealed	,,	1
I of 1859, section 1 repealed	,,	1
III of 1859, section 11 partly repealed ...	,,	1
VIII of 1859, part of section 382 and section 387 repealed ...	,,	1
X of 1859, sections 1 and 167 repealed	,,	1
XI of 1859, section 1 repealed	,,	1
XII of 1859, section 1 repealed	,,	1
XIV of 1859, sections 18, 21 and 23 and the proviso to section 19 repealed	,,	1
XVII of 1859, section 1 repealed	,,	1
XVIII of 1859, sections 1, 2 and 4 amended	XXII	3
XX of 1859, section 1 repealed	XIV	1
XXII of 1859, section 1 repealed	,,	1
XXIV of 1859, sections 2 and 3 and part of schedule repealed	,,	1
XXV of 1859, section 19 repealed	,,	1
II of 1860, section 1 amended	XII	3
section 1 partly repealed	XIV	1
VIII of 1860, section 1 repealed	,,	1
XXIII of 1860, part of section 1 and the schedule repealed...	,,	1
XXV of 1860, section 5 partly repealed	,,	1
XXVIII of 1860, sections 1 and 33 repealed	,,	1
XXXI of 1860, sections 1, 52 and 55 repealed	,,	1
XLV of 1860, section 5 partly repealed	,,	1
sections 193 and 228 applied to proceedings under Income Tax Act	XVI	35
section 34 amended	XXVII	1
section 40 amended ...	,,	2
section 56 amended	,,	3
section 131 amended	,,	6
sections 194, 195 amended	,,	7
sections 222, 223 amended	,,	8
section 307 amended	,,	11
XLVI of 1860, section 1 repealed	XIV	1
XLVIII of 1860, section 1 partly repealed	,,	1
L of 1860, section 1 repealed	,,	1
II of 1861 repealed	X	2
X of 1861 repealed	XIV	1
XIV of 1861, part of section 4 and section 7 repealed ..	,,	1
XVI of 1861, section 22 repealed	,,	1
XVII of 1861, section 3 repealed	,,	1
XIX of 1861, part of preamble, section 1, and part of section 2 repealed	,,	1
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XXIII of 1861, sections 1 and 43 repealed	XIV	1
XXV of 1861, section 445 partly repealed	,,	1
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IV of 1862, sections 1 and 42, and the 2nd proviso in section 11 repealed...	XIV	1
XIII of 1862, section 1 repealed	,,	1
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XX of 1862, sections 7, 11 and 12 repealed	XIV	1
XXIII of 1862 repealed	,,	1
I of 1863, sections 1 and 28 repealed	,,	1
VI of 1863, sections 2 and 230 repealed	,,	1
section 27 amended	XVII	4

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Act VIII of 1863, section 1 repealed ...	XIV	1
XII of 1863, sections 2, 3, 4, 5 and 6 repealed .	"	1
XV of 1863, section 1 repealed . ..	"	1
XIX of 1863, section 1, part of section 2 and section 50 repealed	"	1
XX of 1863, section 1 repealed	"	1
XXI of 1863, section 41 repealed as to the Andamans .	XXVIII	2
XXII of 1863 repealed	X	2
XXIV of 1863, sections 4 and 5 repealed ..	XIV	1
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XII of 1864, section 2 repealed	"	1
XIII of 1864, sections 1 and 84 and schedule A repealed	"	1
XIII of 1864, power to increase fee payable under section 31 of, ...	VI	1
XVII of 1864, section 2 repealed	XIV	1
XXII of 1864, sections 2 and 37 and the schedule repealed ..	"	1
XXIV of 1864, section 15 repealed	"	1
XXVIII of 1864, section 3 repealed ...	"	1
X of 1865, certain portions of, extended to wills of Hindús Jainas, Sikhs and Buddhists	XXI	2
XI of 1865, section 2 partly repealed	XIV	1
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XIV of 1865, section 24 repealed	"	1
XV of 1865, sections 7 and 53 partly repealed ..	"	1
XIX of 1865, sections 24 and 25 repealed	"	1
XX of 1865, section 3 and first schedule repealed ..	"	1
IV of 1866, sections 45, 52 and 54 repealed	"	1
V of 1866, section 2 partly repealed	"	1
X of 1866, sections 219, 220, 221 and 222, and the third schedule repealed	"	1
XI of 1866 repealed	"	1
XIV of 1866, part of section 1 and section 3 repealed .	"	1
XX of 1866, section 3, part of section 98 and section 102 repealed	"	1
XXII of 1866, section 1 partly repealed ..	"	1
XXV of 1866, section 4, costs of petitions under,	V	1
XXVI of 1866, section 2 repealed	XIV	1
XXVII of 1866, section 1 repealed	"	1
IV of 1867 repealed	XXVII	17
XII of 1867, section 2 and schedule repealed	XIV	1
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XVIII of 1867, section 2 repealed	XIV	1
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XXV of 1867, sections 2 and 23 repealed	"	1
XXXIV of 1867 repealed	"	1
XXXV of 1867 repealed	"	1
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VII of 1868 applied to Kullu	IV	2
VIII of 1868 repealed	"	1
XI of 1868 repealed	"	1
XIII of 1868, section 1 repealed	"	1
XVI of 1868, section 1 and schedule repealed	XIV	1
XVII of 1868 repealed	"	1
XVIII of 1868, section 5 repealed	"	1

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XXIII of 1868, part of preamble and section 2 repealed ...	,,	1
XXV of 1868, section 24 repealed	,,	1
XXVIII of 1868, section 4 repealed	,,	1
II of 1869, section 2 and schedule repealed	,,	1
III of 1869, section 2 repealed	,,	1
V of 1869, part I, clause (*c*), paragraphs 1, 2 and 3 repealed	,,	1
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VII of 1869 part of preamble and section 2 repealed ..	,,	1
VIII of 1869, section 2, paragraph 1, repealed ...	,,	1
IX of 1869 repealed	XVI	2
XI of 1869, section 2 repealed	XIV	1
XII of 1869 repealed	XVII	2
XIV of 1869, section 2 and schedule repealed	XIV	
XVIII of 1869, section 2 and third schedule repealed ...	,,	1
XX of 1869, section 3 repealed	,,	1
XXII of 1869, sections 2 and 3 repealed	,,	1
XXIII of 1869 repealed	XVI	2
XXIV of 1869, section 1 repealed	XIV	1
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